



Convention on the Rights of the Child

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Committee on the Rights of the Child Seventy-seventh session

Summary record (partial)* of the 2253rd meeting

Held at the Palais Wilson, Geneva, on Monday, 15 January 2018, at 10 a.m.

Chair: Ms. Winter

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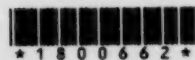
- Opening of the session
- Statement by the representative of the Secretary-General
- Submission of reports by States parties
- Organizational matters
- Adoption of the agenda

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.10 a.m.

Opening of the session

1. **The Chair** declared open the seventy-seventh session of the Committee on the Rights of the Child.

Statement by the representative of the Secretary-General

2. **Ms. Gilmore** (United Nations Deputy High Commissioner for Human Rights) said that, although children were disproportionately harmed by inequality, injustice, deprivation and conflict, they were disregarded as agents of change and excluded from the decision-making processes which could bring about positive change. It was thus commendable that the Committee's 2018 Day of General Discussion would be dedicated to protecting and empowering children as human rights defenders, one of the most strategic and pressing of goals in a precarious world.

3. According to the United Nations Children's Fund (UNICEF), 15,000 children under the age of 5 years died every day of mostly preventable causes and treatable diseases. Based on current trends, the United Nations Educational, Scientific and Cultural Organization (UNESCO) expected that in 2030 the primary school completion rate in low-income countries would stand at 70 per cent, a goal that should have been achieved by 2015. Addressing age-based inequality and injustice was an urgent matter, and the Committee's activities, including its upcoming biennial meeting with UNICEF regional representatives, were crucial to that undertaking.

4. In 2017, the Committee had reviewed 36 State party reports. The current backlog of reports stood at an impressively low 30. In 2017, the Committee had also adopted three general comments, two of which had been issued jointly with the Committee on Migrant Workers. In addition, in early 2018, the Committee had successfully conducted its first inquiry procedure under the Optional Protocol on a communications procedure.

5. Following its deliberations on the budget concerning human rights and humanitarian affairs, the Fifth Committee of the General Assembly had approved 5 temporary posts over two years, instead of the 11 permanent posts which had been proposed. The implications of that outcome were being carefully studied in order to determine how best to adjust priorities and workloads accordingly.

6. To date, less than 10 per cent of the \$4.7 million necessary for the global study on children deprived of liberty had been secured, through voluntary contributions from Switzerland, Germany, Austria, Qatar, Malta and Liechtenstein. The scope of the study would thus be restricted to two thematic aspects of deprivation until additional funding was provided. The Office of the United Nations High Commissioner for Human Rights was monitoring the situation and supporting the independent expert in charge of the study.

7. In 2018, when the seventieth anniversary of the adoption of the Universal Declaration of Human Rights would be celebrated, it was essential that efforts should be redoubled to ensure that the indivisible and inalienable rights enshrined in the Declaration were freely enjoyed by the children of the world.

Submission of reports by States parties

8. **Ms. Franchetti** (Secretary of the Committee) said that 11 reports had been received since the Committee's previous session, bringing the number of reports pending consideration to 43. Côte d'Ivoire, Cabo Verde, Botswana, Malta, Singapore, Bahrain, Bosnia and Herzegovina, Costa Rica and the Republic of Korea had submitted reports on the implementation of the Convention. The initial reports of Tonga, South Sudan and the State of Palestine were overdue. Panama had submitted its initial report under the Optional Protocol on the involvement of children in armed conflict, and Sri Lanka had submitted its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography.

9. The total number of ratifications of the Convention remained at 196. The Central African Republic had ratified the Optional Protocol on the involvement of children in

armed conflict since the previous session, bringing the total number of ratifications to 167. The State of Palestine had ratified the Optional Protocol on the sale of children, child prostitution and child pornography, bringing the total number of ratifications to 174. Three States, namely Brazil, Cyprus and Turkey, had ratified the Optional Protocol on a communications procedure, bringing the total number of ratifications to 37.

Organizational matters

10. **The Chair**, reviewing the items on the agenda, said that eight reports from eight States parties would be considered by the Committee during the session. Out of that total, three States parties, namely the Marshall Islands, Palau and Solomon Islands, would have their reports reviewed via video conference.

11. She welcomed the many partners who supported the Committee's work and noted that the biennial meeting with UNICEF would be held on 31 January 2018. Discussions would continue on the Committee's methods of work, especially in connection with the Optional Protocol on a communications procedure and the follow-up to the treaty body strengthening process. Any communications or information received relating to the Optional Protocol on a communications procedure would also be considered. In addition, the Committee would begin preparation for its September 2018 Day of General Discussion, start work on the revision of general comment No. 10, and discuss any other matters related to its work. The following session would be held from 17 May to 5 June 2018.

Adoption of the agenda (CRC/C/77/1)

12. *The agenda was adopted.*

The discussion covered in the summary record ended at 10.30 a.m.



Convention on the Rights of the Child

Distr.: General
19 January 2018

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Committee on the Rights of the Child Seventy-seventh session

Summary record of the 2254th meeting

Held at the Palais Wilson, Geneva, on Monday, 15 January 2018, at 3 p.m.

Chair: Ms. Winter

Contents

Consideration of reports of States parties

Combined fifth and sixth periodic reports of Sri Lanka

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties

Combined fifth and sixth periodic reports of Sri Lanka (CRC/C/LKA/5-6; CRC/C/LKA/Q/5-6 and CRC/C/LKA/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Sri Lanka took places at the Committee table.*
2. **Ms. Senaratne** (Sri Lanka), introducing her country's combined fifth and sixth periodic reports (CRC/C/LKA/5-6), said that her Government appreciated the Committee's work in upholding the child rights agenda. As one of the earliest signatories to the Convention on the Rights of the Child, Sri Lanka had long recognized the significance of that instrument, especially given that approximately 30 per cent of its population were children.
3. Following the presidential and parliamentary elections of 2015, the President of Sri Lanka had delivered a policy statement setting out the objective of building a better future for children and ensuring their security. To that end, the country had increased its engagement with the United Nations system in recent years, participating in eight reviews by treaty bodies and hosting visits by eight special procedure mandate holders. Sri Lanka had also become a party to six international treaties on human rights and humanitarian disarmament, some of which directly related to safeguarding the rights of children.
4. At the national level, the Government vigorously pursued the full realization and promotion of the rights recognized in the Convention and the two Optional Protocols thereto through appropriate legal reforms and new policies. In 2016, it had raised the minimum age for leaving compulsory education from 14 to 16 years. The Cabinet had approved an increase in the age of criminal responsibility to 12 years, and a bill for the judicial protection of children had been drafted in order to comply with international standards on the best interests of the child. Moreover, the Government had approved new guidelines for the operation of day-care centres in order to ensure a secure environment for the children of working mothers. Children's rights were addressed under a number of policies and action plans, including those on human rights, sexual and gender-based violence, elimination of child labour, early childhood care and development, child health, and child protection. In 2017 the President had appointed the members of the National Monitoring Committee on Child Rights to ensure the effective coordination of those policies and plans.
5. The State had advanced in the protection and promotion of the rights of the child through progressive policies such as the provision of free universal primary and secondary education and free health care. Thanks to rapid economic growth and development, the country's social and human development indicators had either equalled or outperformed those of its peers, with rates of poverty and under-5 mortality in retreat. Primary-school enrolment was nearly universal and secondary-school enrolment was high, while only 1 per cent of the child population was thought to engage in child labour. Furthermore, the Ministry of Women and Child Affairs held annual consultations with children's clubs, allowing children to express their views and contribute to policymaking.
6. Aware that the rights of many children were not sufficiently protected, the Government sought to meet that challenge by maintaining a zero-tolerance policy on violence against children and bringing perpetrators to justice as swiftly as possible. The National Child Protection Authority operated a toll-free child helpline through which it received complaints from the public concerning child abuse, which it referred to the relevant authorities for investigation. Complaints involving children were also investigated by the Human Rights Commission of Sri Lanka and by the Women and Children's Bureaux that had been established in police stations. Nevertheless, the Government required support in terms of capacity-building in that area. Furthermore, it was determined to tackle the issue of corporal punishment.
7. As it emerged from its lengthy internal conflict, Sri Lanka was taking steps to normalize the lives of children in war-affected areas. To improve their well-being and to

guarantee that they enjoyed the same rights as the rest of the population, the Government had taken measures such as democratic reforms, the gradual and regular release of land to its rightful owners, the resettlement of internally displaced families and demining activities.

8. Notwithstanding the progress made, new challenges, such as the online safety of children and the rise of artificial intelligence, which might make it harder for young people to find jobs and achieve independence, continued to emerge almost daily. The delegation of Sri Lanka hoped that the Committee's recommendations would assist the Government in carrying forward progressive steps for the promotion and protection of children's rights.

9. **Ms. Sandberg** (Coordinator, Country Task Force), commending the State party for the positive steps it had taken, said that the Committee was grateful for the information provided on the current situation in the country. Nevertheless, the Committee had the impression that children were not fully recognized as rights holders and that their rights and interests were considered inferior to those of adults; if that was so, she would welcome an indication of what could be done to address the situation. Regarding legislation, it was unclear whether the Convention was fully applicable by the courts; since Sri Lanka was a dualist country, an explanation was needed of the steps the State party had taken or would take to incorporate the Convention into domestic law. More specifically, she asked whether the Children (Judicial Protection) Bill of 2015 had been adopted and, if not, why the legislative process was so slow.

10. The Committee appreciated the revival of the National Monitoring Committee on Child Rights and the authority vested in it, and wished to know how often it met. Given the reported lack of coordination between health and education authorities, information might be provided on how the Government ensured intersectoral coordination between line ministries and vertical coordination between the national, provincial and local levels, for example in the child protection system. Was the National Child Protection Authority, having been placed under the Ministry of Women and Child Affairs, able to operate independently and coordinate with the Department of Probation and Child Care Services? Welcoming the National Plan of Action for Children, she asked what results had been observed by the National Monitoring Committee on Child Rights, which was supposed to carry out quarterly and annual reviews of progress under the Plan. How soon might the national child protection policy be adopted?

11. Regarding the allocation of resources, she was concerned that there was no general budget for child rights and that the budgeting process lacked transparency; accordingly, she wished to know what improvements were envisaged and whether the State party had referred to the Committee's general comment No. 19 (2016) on public budgeting for the realization of children's rights. Similarly, she would welcome an explanation of reports that the National Child Protection Authority had spent only 20 per cent of its 2017 budget.

12. In the sphere of data collection, the fragmentation of existing systems and the lack of disaggregated data on children had serious implications for the exercise of their rights. What plans were in place to establish a comprehensive data-collection system for children's rights?

13. Noting that efforts were under way to strengthen the independence of the Human Rights Commission of Sri Lanka, she asked whether that institution had been or would seek to be accredited with A status by the Global Alliance of National Human Rights Institutions. She was also interested to know why the Commission did not include a children's commissioner or unit, as previously recommended by the Committee. Did Sri Lankan children know about the Human Rights Commission of Sri Lanka? How did the State party plan to improve the dissemination of the Convention in schools? Having been informed that professionals working on children's rights had low levels of motivation, the Committee wished to know more about the training those professionals received and what could be done to improve their situation.

14. Noting that non-governmental organizations (NGOs) working on children's rights were required to register with the Ministry of Social Services, she asked what other requirements NGOs and faith-based organizations were required to fulfil and what safeguards were in place to hold them accountable and to prevent violations of children's

rights. The delegation might also comment on reports that human rights defenders faced harassment and that the police monitored political and civil society meetings.

15. Regarding the social and environment impacts of business activities, she asked whether companies were required to exercise due diligence or conduct impact assessments to determine how their activities affected children's rights. The Committee's general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights might prove useful in that context.

16. Finally, she wondered whether the State party had a national plan of action to enforce its zero-tolerance policy on sex tourism and whether it intended to specify a clear, consistent age of majority across all of its laws. Since there was no minimum age for marriage under Muslim law, she wished to know whether the committee established to consider the matter had submitted its report and whether any progress had been achieved. The Committee would be grateful for any updates on actions taken to improve Thesavalamai and Kandyan laws on marriage.

17. **Ms. Otani** (Country Task Force) said that, although she was grateful for the information on progress in eliminating discrimination against certain groups of children, she wished to know how the State party tackled discrimination against children belonging to ethnic or religious minorities, children of migrant workers, children in institutional care and children subjected to caste-based discrimination. Was the Government planning any measures to address discrimination and violence against lesbian, gay, bisexual, transgender and intersex children? She was especially concerned to note that the Government did not plan to remove the exception to the statutory rape provision of the Penal Code, whereby the provision did not apply to Muslim girls, until after the Muslim Marriage and Divorce Act had been amended. Could the Government take a comprehensive approach so as to rectify all existing discriminatory laws against Muslim girls at the same time? Notwithstanding that the principle of non-discrimination was enshrined in the Constitution, she asked whether society accepted children's right to non-discrimination. What measures were needed to eliminate discrimination against children in vulnerable or disadvantaged situations?

18. Welcoming the incorporation of the principle of the best interests of the child in a number of laws, she cautioned that the application of the principle was more difficult. She requested information concerning efforts undertaken in that regard, such as the development of guidelines, tools or training for the relevant professionals.

19. Concerning the right to life, survival and development, the Committee noted the special measures taken for children affected by conflict but was seriously concerned about the risk posed by landmines and unexploded ordnance. Further information would be appreciated regarding the status of the demining process and efforts to educate children and families, especially those who had been internally displaced, about the risk. What assistance and rehabilitation were provided to child victims of landmine accidents?

20. She welcomed the island-wide consultation with children conducted in 2016 and asked whether the Government planned to reflect children's recommendations in future policies or activities. Were municipal-level platforms available to enable children, including those in vulnerable situations, to express their views on matters affecting them? She wondered whether families, schools and communities provided a supportive and enabling environment in which children were encouraged to express their views. Having failed to find information on children's right to be heard in judicial and administrative proceedings affecting them, she asked whether that right was guaranteed in the relevant legislation and implemented in practice. Lastly, she requested further details about the nature of the reconciliation programmes conducted in schools.

21. **Mr. Gastaud** (Country Task Force), noting with satisfaction that birth registration was compulsory in Sri Lanka, asked whether late registration was subject to penalties, whether birth certificates were issued free of charge, and what plans were in place to ensure that the small number of unregistered children could receive a birth certificate. He wondered how the Government intended to remedy the fact that, although section 365 of the Penal Code prohibited the publication of details on child victims of sexual offences, many newspapers published information, including photographs, on cases involving

children. He would be interested to hear the outcome of the discussions held in 2016 concerning guidelines on ethics in the media. Regarding freedom of expression, he would welcome further information on steps taken to prevent children from being exposed to inappropriate information and how the Right to Information Act (No. 12) of 2016 was applied to children. As to freedom of association, he wished to know more about the activities of the Children's Councils and how children were elected to them. He invited the delegation to report on any progress made in reviewing the Prevention of Terrorism Act, whose very broad definition of terrorist acts had resulted in the detention of a number of children.

22. **Ms. Aho Assouma** (Country Task Force) said that, despite the Government's recent commitment to ending corporal punishment, the practice remained widespread in all settings, and violence was a part of daily life for the country's children. She would be interested to know about any planned legislation to effectively address the problem and about the application of the 2005 circular issued by the Ministry of Education to ban corporal punishment, including any awareness-raising efforts or follow-up. She asked what actions had been undertaken to change behaviour and attitudes, and whether teachers received training on positive discipline. She wished to know about the measures taken, and budget allocated, to implement the 2016 action plan in that area. She requested further information on the free telephone hotline, including the number and types of cases reported, how cases were followed up and what support was provided to victims. She would welcome details on the number of prosecutions brought and the charges filed, as well as on the role, staff, budget and operations of the Women and Children's Police Desks.

23. She asked the delegation to comment on the action being taken to tackle the problem of sexual abuse and hazing in schools and to address the phenomenon of "beach boys" who engaged in prostitution in coastal areas. For example, was there a plan of action to combat sex tourism, were hotels involved and were predatory tourists prosecuted? She asked whether any research had been carried out into child pornography and the online exploitation of children and how the Government planned to tackle the phenomenon. She invited the delegation to comment on the widespread problem of impunity, which undermined public confidence in the authorities. She wished to know whether there were sufficient social workers to carry out the various programmes being undertaken, whether there was a capacity-building programme for social workers, and whether there were specialized structures and professionals to support victims throughout the country, even in remote areas.

24. With regard to allegations that Sri Lankan troops serving with the United Nations Stabilization Mission in Haiti had committed rape and sexual abuse, she wished to know whether the individuals concerned had been prosecuted and, if so, what the outcome had been and what reparations had been made to victims. She invited the delegation to comment on the lack of legal protection for boys who were victims of sexual violence, whether there were any monitoring mechanisms in places of detention, and what action was being taken to combat violence against girls. What action was the Government taking to combat the practices of female circumcision, child marriage and payment of dowries and to raise awareness of their harmful effects?

The meeting was suspended at 3.55 p.m. and resumed at 4.25 p.m.

25. **Ms. Jinasena** (Sri Lanka) said that, under the country's dualist system, incorporation of the Convention into domestic law required the enactment of specific legislation to fill gaps in existing national law. Sri Lanka had introduced several legislative provisions that reflected those of the Convention, including the chapter of the Constitution that concerned fundamental rights, which applied to both adults and children and reflected articles 2, 12, 13, 14, 15, 19 and 37 of the Convention. Article 27 of the Constitution provided that the State should recognize and protect the family as the basic unit of society and should take special care to promote the interests of children and youth so as to ensure their full physical, mental, moral, religious and social development and to protect them from exploitation and discrimination.

26. **Ms. de Livera** (Sri Lanka) said that the country's children, even those in remote areas, were conscious of the fact that they were rights holders. An activity book in Sinhala,

Tamil and English, which would be circulated to the Committee members, had been distributed to the 330 Child Rights Promotion Officers at the Divisional Secretariat level to help children understand their rights from a very young age. With regard to vertical coordination of programme delivery, the National Child Protection Authority worked very closely with the provincial educational authorities and with the District Secretariats. A recent review of the national child protection policy had shown that the policy's impact was not being felt by children owing to the lack of an effective implementation mechanism. A consultant had been hired to deliver a revised policy by April 2018. As chairperson of the National Child Protection Authority, she paid unannounced visits to the Divisional and District Secretariats to ensure the proper implementation of programmes. Child protection committees had been set up nationwide, even in small rural villages, and were raising public awareness through activities such as street theatre.

27. With regard to the allegations of abuse in a faith-based orphanage in a suburb of Colombo, the report of the initial inquiry into the matter had been unsatisfactory and appeared to cover up major problems. She had ordered a fresh report, including a psychosocial assessment of the children and interviews with people in the surrounding area. The issue of business and child rights had only recently come to the Authority's attention, but discussions were already under way with some of the major corporations in Sri Lanka on matters such as the impact of environmental pollution on children and the drafting of a code of conduct.

28. Regarding child sex tourism, the National Child Protection Authority had just completed a pilot project to provide training to school principals in coastal areas in the Northern Province. The participants had come up with innovative ideas, such as posting child rights information on lifeguard watchtowers and training lifeguards to report suspicious behaviour on their beaches. The proliferation of unlicensed bed-and-breakfast accommodations in coastal areas was problematic, but the Authority was working with the police, the tourism board and the hoteliers' association to place posters at all hotel reception desks nationwide, with a helpline number for reporting incidents involving children.

29. With regard to lesbian, gay, bisexual, transgender and intersex children, the Authority had developed a programme that would be rolled out later that year with the National Institute of Education to train novice teachers on how to explain such differences to children using an educational video. The issue of circumcision of Muslim girls had been discussed in detail by the parliamentary oversight committee on gender and children. One possibility would be for the Authority's surveillance unit to carry out undercover visits to the areas reported by victims and civil society, using recording devices to gather evidence of the practice to support investigation and prosecution. Very recently, the Authority had been involved in a landmark case in which it had been granted custody of a child from an affluent background who had been subjected to severe cruelty and ill-treatment by her parents and had submitted repeated complaints against them to the Authority. It was thus clear that the Convention principles were woven into judicial decision-making, administrative structures, and policies and procedures. Training on the Convention was provided to lawyers, doctors and police officers and a new module on child sex trafficking had recently been launched.

30. In the coming years, action plans would focus more closely on needed efforts to improve the situation of children with disabilities. The Ministry of Women and Child Affairs and the Ministry of Social Services, which was responsible for disability affairs, would cooperate to that end. Guidelines had been drafted to prevent child victims of crime from being exposed in the media; they were to be issued in February 2018.

31. In four of the country's districts, officials visited schools to talk about corporal punishment and how it was a violation of children's rights. There was a considerable backlog in the prosecution of cases of corporal punishment, but as a result of inter-agency efforts, which were supported by the United Nations Children's Fund (UNICEF), the backlog was expected to be halved in six months. In addition, a senior prosecutor had been put in charge of the children's rights unit of the Attorney General's Department.

32. The National Child Protection Authority worked closely with the Sri Lanka Computer Emergency Readiness Team. A national database, which was to be launched

very shortly, would enable the child protection authorities to track complaints and would considerably speed up the investigation and prosecution of abuses against children. The National Child Protection Authority had received just over 9,000 complaints in 2017; allegations of cruelty were the most common reason for filing such complaints.

33. In one widely reported case, the authorities had taken civil action against a principal who had expelled a girl from school after having been falsely informed by a teacher that the girl was pregnant. A police investigation to determine whether the principal could face criminal charges was also under way.

34. **Ms. Sigera** (Sri Lanka) said that the voices of the children of Sri Lanka were heard, as the country had a well-developed system of children's clubs that were active from the village to the national level. The Government encouraged such participation, inter alia by providing financial and other support for child-led research.

35. In 2015, only 0.18 per cent of births in Sri Lanka had not been registered. Birth registration was free, and births in medical facilities were registered automatically. Parents of children born at home had seven days to register the birth with village authorities. Abandoned children received birth certificates that showed the probable date of birth and were as valid as other birth certificates.

36. **Ms. Senadheera** (Sri Lanka) said that the Family Health Bureau had a separate section for the provision of adolescent health services. A new action plan on adolescent health would be launched in the coming months, and standards for health services for adolescents and young people in Sri Lanka had been identified. Guidelines on providing reproductive health services to adolescents had also been produced, and Saturday clinics had been opened to provide health services to children and adolescents who were ordinarily in school during the week. A government website provided information about adolescent health services in Sinhalese, Tamil and English.

37. There were about 450 paediatricians in hospitals and other medical facilities around the country. Child protection was a component of the training they received as they prepared to exercise their profession. Emergency trauma centres in the country's hospitals provided care free of charge to accident victims, including children. The Department of Health was planning to hire a number of psychologists in the first half of 2018.

38. **Mr. Rathnayake** (Sri Lanka) said that when the country's civil war had ended in 2009, rehabilitation and reintegration services, including social and spiritual counselling, vocational training and sports activities, had been provided to nearly 600 former child soldiers, most of them male. The youngest had been 13. The authorities had concentrated on enabling them to complete the education they had been unable to obtain during the fighting, in the belief that an education would help them reclaim their place in civilian society. Relatively few had gone on to university, however.

39. Social and economic welfare coordination officers in the country's northern and eastern districts facilitated the reintegration of war veterans, including former child soldiers. Some former child soldiers, including women, had begun working on bomb-disposal crews or had joined the civil defence forces or the military. Others had gone overseas.

40. **Ms. Amarasinghe** (Sri Lanka) said that the national police force had 42 Women and Children's Bureaux and nearly 500 Women and Children's Police Desks, which were staffed mostly by female police officers. Relevant training was provided to the officers, staffing those desks with the support of governmental and non-governmental agencies. Awareness-raising and crime-prevention programmes were being conducted with increasing frequency.

41. **Ms. Senaratne** (Sri Lanka) said that the Office of National Unity and Reconciliation and three government ministries focused on issues of national reconciliation. The Sinhalese and Tamil languages had equal status, and about 100 students were enrolled in a diploma programme on reconciliation and counselling. Students could take part in exchange programmes between the northern and southern parts of the country. In addition, a number of programmes promoted children's involvement in reconciliation efforts.

42. **Ms. Withanage** (Sri Lanka) said that human rights education had been included in school curricula. The Peace Education and Reconciliation Unit within the Ministry of Education had developed a programme to help prospective teachers improve their skills in a second national language. Student parliaments were active in grades 6 and up, and plans had been made to open a national school offering ethnic and trilingual education in Polonnaruwa District. Students from the north and the south had participated in an experience-sharing programme known as Friends of Two Cities.

43. Landmine-risk education had been offered with the support of UNICEF. As a result, the number of explosive devices that had been detected had risen by 15 per cent between 2015 and 2016.

44. **Ms. Senaratne** (Sri Lanka) said that although there was no central budget specifically earmarked for children, considerable sums had been allocated to the ministries and other institutions that dealt with children's affairs, including the National Child Protection Authority. Monies for health care, education and child protection were also allocated by the provincial authorities. The Government was willing to learn more about the principles of child-friendly budgeting, with a view to putting them into practice.

45. **Mr. Aryasinha** (Sri Lanka) said that the Human Rights Commission of Sri Lanka was an independent institution that had the resources to fulfil its mandate. Its independence had been strengthened by a recent amendment to the Constitution that limited the President's discretion in appointing the members of statutory bodies, including the Commission. A highly acclaimed human rights advocate had been appointed as Chair of the Commission in 2015. Officials regularly consulted the Commission in connection with human rights policy and reporting. In addition, the Commission submitted shadow reports to international human rights treaty bodies and issued key human rights directives.

46. The Commission had the authority to consider complaints of violations of fundamental rights and to monitor the welfare of persons in detention. In recent years, it had submitted a number of proposals to the Government, including with regard to amendments to article 16 of the Constitution. It had also recommended that the Ministry of Health should issue instructions to the effect that transgender persons should be allowed to choose the sex that appeared on their identity cards. The Commission had been involved in drafting an amendment to the Penal Code to criminalize hate speech, but the proposal had been withdrawn after concerns had been raised.

47. The Commission's budget for 2018 was 249 million Sri Lanka rupees, up from 168 million in 2015. In view of its performance, independence and resources, the Commission was certain to regain its A-status accreditation with the Global Alliance of National Human Rights Institutions.

48. With respect to the question concerning the detention of children under the Prevention of Terrorism Act, there had been one case in which a woman had been taken into custody along with her 13-year-old daughter, as the woman had had no one with whom to leave her child. The authorities had quickly resolved the problem by placing the child in a children's home. The child had not, in fact, been arrested under the Act. A committee appointed by the Prime Minister was currently considering a bill to introduce new counter-terrorism legislation that would include a number of additional safeguards.

49. **Ms. Jayasuriya** (Sri Lanka) said that an area of 135.4 km² had been cleared of landmines, an area of 25.5 km² was undergoing clearance and there had been no child casualties as a result of landmines in 2017.

50. Following the allegations made against Sri Lankan peacekeepers in Haiti, the Government had recalled the entire contingent of peacekeepers and had conducted an investigation in coordination with the United Nations Office of Internal Oversight Services. Three officers had been demoted or relieved of their duties and an ex gratia payment had been made in connection with a paternity claim. Candidates for service with peacekeeping operations were now vetted more carefully and a female contingent had been set up.

51. Under the Voluntary Social Service Organizations (Registration and Supervision) Act, any non-profit organization could register as a civil society organization, subject to

verification of its financial situation. Civil society organizations were closely involved in the treaty body reporting process and were consulted on policy development.

52. **Ms. Sandberg** asked what steps would be taken to improve the situation of children whose parents had migrated for work, leaving them alone or in the care of a relative or stranger. In addition, a number of children suffered mental trauma and disruption of their education as a result of alcohol and substance abuse by their parents, but the country's social services lacked the necessary resources and training to deal with cases of that kind.

53. With respect to the 2016–2018 Action Plan on Social Protection for Children, she enquired what outcomes had been achieved thus far, whether the measures being taken were sufficient and whether there were plans to scale up the initiative. She would also like to know who was responsible for deciding whether to place a child in foster care or in an institution; whether decisions of that kind were governed by legal requirements; whether there were plans to extend the "back to home" programme; and what steps were being taken to develop formal foster care programmes throughout the country. In addition, she wondered whether the committees responsible for reassessing placement situations conducted unannounced visits to institutions and whether they spoke to children without adults present. Lastly, she asked whether there were plans to facilitate the adoption process in order to reduce the number of children in residential care.

54. **Ms. Aho Assouma** said that she would appreciate more information on the health-care budget, the number and distribution of health workers, efforts to reduce regional disparities in the field of health and the relationship between the public and private health sectors.

55. Noting that the programme for the early detection of disabilities and the related care mechanism were available only to children between the ages of 5 and 19, she asked why children under the age of 5 were excluded; what measures had been taken to address demeaning attitudes towards children with disabilities; whether there was coordination between the various ministries and agencies responsible for supporting such children; how many children with disabilities there were in Sri Lanka; and whether orthopaedic services and devices were available.

56. She asked how problems relating to the advertising of breastmilk substitutes were being addressed, why weaning took place earlier for boys than for girls and whether there were programmes to combat anaemia and underweight. With regard to immunization, she enquired whether there were cold chain facilities in remote areas and whether remedial action was taken in the case of children who had not received the necessary vaccines.

57. She would appreciate more information on the provision of child mental health services and on the number and distribution of child psychologists throughout the country. It would also be useful to know whether the reproductive health programme for adolescents was being conducted in remote areas and what steps were being taken to prevent teenage pregnancy and to address the high suicide rate among young people. What efforts were being made to prevent the use of children in drug and alcohol trafficking, to rehabilitate the victims of such trafficking and to prevent the sale of drugs and alcohol to children?

58. With regard to poverty reduction, she enquired whether the programmes in place covered rural areas as well as towns, whether people in rural areas were aware of the programmes' existence and what criteria the beneficiaries must meet in order to obtain assistance under those programmes.

59. Lastly, she asked what steps were taken to manage the impacts of climate change and to assist victims of climate-related disasters; whether the use of glyphosate in tea plantations was prohibited or monitored; and what support was provided to children who were living with their mothers in prison.

60. **Ms. Otani**, welcoming the progress made in reducing the proportion of students who dropped out of school, said that the State party might wish to consider researching the factors that prompted students to drop out, such as pregnancy or disability. Noting that education was now compulsory up to the age of 16 but the minimum age for employment had not yet been raised from 14, she asked how the Government planned to enforce the new minimum school-leaving age; whether interim measures would be taken to enable children

under 16 who were currently in employment to attend school; and whether special measures would be taken with respect to children in street situations and children who had dropped out of school.

61. She asked how the funding allocated to initiatives to address regional disparities had been spent; whether that funding had led to budget cuts in other areas; and whether efforts had been made to increase the availability of qualified teachers, particularly in conflict-affected areas, as recommended by the Committee on Economic, Social and Cultural Rights in its concluding observations on the State party's fifth periodic report (E/C.12/LKA/CO/5).

62. Lastly, with reference to the child-friendly approach introduced in schools, she wondered how issues such as discrimination and bullying were being addressed and whether there were plans to step up human rights education and promote children's participation as part of that approach.

63. **Mr. Gastaud** said that he would welcome more information on the implementation and outcomes of the Roadmap for the Elimination of the Worst Forms of Child Labour by 2016 and the 2017 national policy on the elimination of child labour. He asked whether the country had enough properly trained labour inspectors; whether they conducted unannounced visits to ensure compliance with the ban on the employment of children in certain occupations; and what penalties were imposed on employers or parents for breaching child labour legislation. It would be useful to know whether the child labour survey conducted in 2016 had covered all types of employment and all areas of the country. In addition, he would like to hear more about the measures taken to support children in street situations, the budget provided for such measures and the number of beneficiaries.

64. He would like more information on the nature, implementation and outcomes of the national strategy to combat human trafficking and on the number of prosecutions and convictions for human trafficking. How many complaints had been filed in relation to cybercrime and how had those complaints been handled?

65. He wondered whether the length of the prison sentences that could be imposed on minors was limited by law; whether children under 16 could be sentenced to imprisonment; and whether there were plans to introduce alternatives to detention for minors. He wished to know when the bill to raise the age of criminal responsibility to 12 years would be adopted; whether the number of juvenile courts would be increased and, if so, when; and whether there were plans to establish child-only detention facilities. He would welcome clarification as to the status of the various bodies established to deal with cases of missing children.

66. With regard to child soldiers, he asked whether the Government had conducted a survey to assess how many former child soldiers had not yet been rehabilitated; whether the delegation could comment on reports that a number of adults who were former child soldiers were being detained under counter-terrorism legislation; and what measures had been taken to prosecute those suspected of recruiting child soldiers. How was a person's age verified prior to recruitment into the armed forces if he or she did not have a birth certificate? Which legislative provisions prohibited the recruitment of children into the armed forces, non-State armed groups or security forces? Lastly, he enquired what steps had been taken to ensure that the training of the Cadet Corps did not include the use of firearms, as recommended by the Committee in paragraph 27 of its concluding observations on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/LKA/CO/1).

The meeting rose at 6 p.m.



Convention on the Rights of the Child

Distr.: General
19 January 2018

Original: English

Committee on the Rights of the Child Seventy-seventh session

Summary record of the 2255th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 January 2018, at 10 a.m.

Chair: Ms. Winter

Contents

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Sri Lanka (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

Combined fifth and sixth periodic reports of Sri Lanka (continued) (CRC/C/LKA/5-6; CRC/C/LKA/Q/5-6 and CRC/C/LKA/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Sri Lanka took places at the Committee table.*
2. **Ms. Manatunga** (Sri Lanka) said that the Government continued to address the issue of the minimum age for marriage under the Muslim Marriage and Divorce Act, with the active participation of the Muslim community. A committee chaired by a former Supreme Court justice had concluded its deliberations and would shortly submit its report to the Government. A Cabinet subcommittee, whose members included the Minister of Justice and the Minister of Women and Child Affairs, had also been established to expedite the reform process, which was time-consuming, owing primarily to the divergent views on the matter expressed within the Muslim community. With a view to addressing that challenge, the Government had launched a parallel consultative and awareness-raising process with the community.
3. The National Human Rights Action Plan 2017–2021 clearly recognized the need to review article 16 of the Constitution in consultation with the respective communities. The article upheld the validity of certain Thesawalamai, Kandyan and Muslim laws notwithstanding their inconsistency with fundamental constitutional rights.
4. With regard to the principle of non-discrimination against children of different sexual orientation and gender identity, certain provisions of the Penal Code, which had been enacted during the colonial era, had been interpreted as criminalizing same-sex relations. That interpretation was not reflected in current policy and practice. The National Human Rights Action Plan 2017–2021 provided for amendments to the Penal Code, including to provisions applicable to the lesbian, gay, bisexual, transgender and intersex community, in order to ensure that all definitions of criminal offences complied with international human rights standards. Sri Lanka, in its interaction with human rights treaty bodies, had consistently defended its position that article 12 of the Constitution, on equality and non-discrimination, did not contain an exhaustive list of prohibited grounds of discrimination and that discrimination based on sexual orientation or gender identity could therefore be challenged under that article. The issue had also been brought to the attention of the Constitutional Assembly that was drafting a new constitution. The report of the Assembly's Sub-Committee on Fundamental Rights contained a comprehensive anti-discrimination provision that referred to sexual orientation and gender identity.
5. The judiciary had adopted a progressive and proactive approach in its interpretation of the impugned provisions of the Penal Code. The Supreme Court had recently acknowledged, in appeal No. 32/12, that consensual sex between adults should not be policed by the State or deemed to constitute grounds for criminalization. She was therefore confident that, despite certain social, political and cultural challenges, Sri Lanka was in a position to ensure non-discrimination for lesbian, gay, bisexual, transgender and intersex persons.
6. According to the most recent statistics, dating from the 2012 national census, there were currently 88,740 children with disabilities in Sri Lanka. Updated figures would be available following the 2021 census. She acknowledged that more vigorous action was required to support their rights. In recent years the Government had consistently recognized the vital need to replace the current charity-based system with a rights-based system. Sri Lanka had ratified the Convention on the Rights of Persons with Disabilities in February 2015, and the Ministry of Social Empowerment and Welfare had drafted legislation to give effect to those rights and to establish an independent body entrusted with policymaking and all other matters pertaining to persons with disabilities. Steps had been taken to draft a bill on sign language and regulations on the rights of white cane users. The National Human Rights Action Plan 2017–2021 contained a lengthy chapter on the rights of persons with disabilities, including special provisions for children with disabilities. The chapter was the outcome of vibrant discussions with civil society activists, including at least two persons

with disabilities. A two-tier monitoring mechanism headed by the Prime Minister was tasked with monitoring the implementation of the Action Plan. The Government also continued to provide financial and other forms of assistance to promote educational opportunities, including vocational training, for children with disabilities and to provide increased livelihood support.

7. **Ms. Aho Assouma** (Country Task Force) said that she wished to know why children were perceived as perpetrators rather than victims and could be prosecuted for homosexuality under the Penal Code.

8. The programmes on behalf of children with disabilities seemed to focus on children between 5 and 19 years of age. She asked whether there were any programmes for younger children and whether existing programmes were coordinated throughout the country.

9. **Ms. Manatunga** (Sri Lanka), reiterating that the Penal Code provisions on sexual orientation dated from the colonial era and were not reflected in current State practice or policy, said that children were never deemed to be perpetrators on account of their sexual orientation or gender identity.

10. The Ministry of Social Empowerment and Welfare, the Ministry of Education, the Ministry of Health and other ministries had developed a comprehensive approach aimed at supporting the rights of children with disabilities. Since 2007, the Government had provided a monthly allowance of 3,000 rupees (SL Rs) to 30,654 low-income families with children with disabilities. The amount allocated for such families in 2017 was SL Rs 711 million. Families whose income was less than SL Rs 6,000 were provided with up to SL Rs 20,000 in financial assistance for medical purposes. A total of 319 persons with disabilities had benefited from such assistance in 2017 and the Government had allocated SL Rs 4.9 million for the purpose. With a view to empowering children with disabilities to live independently, financial assistance was provided for assistive devices such as spectacles, wheelchairs, hearing devices, tricycles and crutches. In 2016 a total of 45 mobile service programmes had been carried out for that purpose throughout the country. As at 31 August 2016, SL Rs 35,995,000 had been provided to families with children with disabilities under the housing assistance programme.

11. The National Secretariat for Persons with Disabilities had begun training public officials in sign language, Braille methodology and mobility orientation with a view to improving the services provided to children with disabilities. Access to education was provided by means of special units in schools, inclusive mainstream classrooms and special schools. Some 5,088 children with disabilities were currently attending 525 education units in Government-run schools and 2,795 students with disabilities were attending 25 special schools. Low-income families were provided with an educational allowance of up to SL Rs 10,000 to encourage them to send children with disabilities to school. As a result of the University Grants Commission programme mentioned in paragraph 56 of the replies to the list of issues (CRC/C/LKA/Q/5-6/Add.1), the number of students with special needs receiving university education had increased from 73 in 2012/13 to 105 in 2016/17.

12. **Ms. Sigera** (Sri Lanka) said that the Ministry of Foreign Employment Promotion and Welfare had adopted a number of measures aimed at minimizing the impact of women's migration on their children. It had recruited almost 1,500 officers to investigate the appropriateness of migration, to ensure family security and to provide for the children's protection and care. The Ministry had issued a circular requiring the production of a family background report for children under the age of 18. The migration of women had declined from 300,703 in 2014 to 263,443 in 2015 and 242,930 in 2016. A number of social welfare programmes had been introduced on behalf of such families. They included housing loans, scholarships, vocational training and low-interest loans. The Department of Probation and Child Care Services had conducted research to assess the gravity of the psychosocial impact on children of their mother's or father's migration.

13. About 6,000 social workers were deployed throughout the country at the divisional and district levels. They were required to hold qualifications in sociology and psychology and were recruited by a variety of ministries. They implemented programmes at the grass-roots level, providing multisectoral support for families.

14. Children in need of care and protection and children in conflict with the law were institutionalized only as a last resort following several corrective measures. The preliminary institutionalization or placement decision was taken by a provincial probation committee in cooperation with the child's parents or guardians. The committee's decision was then referred to a court, which decided whether to order a diversion programme, a foster programme or institutionalization. Diversion programmes were arranged for convicted children, children who were conditionally discharged, children who were handed over to their parents or guardians, or children who were kept under probation at the provincial level.

15. According to the most recent survey, about 14,000 children were currently placed in 414 institutions. Eighty per cent of the children had at least one living parent. The parents' consent was required in all cases of adoption. As parents might be financially unable to provide proper care for their children, social care programmes were run by the Department of Probation and Child Care Services and "back to home" programmes were run by provincial councils. The courts also issued "fit person orders" in respect of fostering arrangements for children living in difficult circumstances, which encouraged children to live with family members and were supported by government funds.

16. The 2017 policy on zero tolerance of child labour was posted on the website of the Ministry of Labour. The implementation of the policy was closely monitored by the Department of Probation and Child Care Services.

17. **Ms. Sandberg** (Coordinator, Country Task Force) asked whether the "back to home" programmes were confined to just a few provinces or had been extended to the whole country. Had the programmes proved successful in deinstitutionalizing children?

18. **Ms. Sigera** (Sri Lanka) said that the departmental and provincial budgets for 2018 had been increased with a view to providing infrastructure and housing facilities under the "back to home" programmes throughout the country. She would provide statistical data to the Committee in due course.

19. According to the 2016 Child Activity Survey, only about 39,000 out of roughly 6 million children, or fewer than 1 per cent, were engaged in hazardous forms of child labour. A marked reduction in the phenomenon had been achieved through programmes such as the International Labour Organization (ILO) Country Level Engagement and Assistance to Reduce Child Labour (CLEAR) project. The Child Labour Free Zone in the Ratnapura District had been replicated in other areas. The legislation was being amended with a view to prohibiting the employment of children between the ages of 16 and 18 years. The National Child Protection Authority had conducted 33 awareness-raising campaigns throughout the country in 2017. In addition, the staff of the Ministry of Labour were working closely with the police, child protection officers and probation officers to eradicate child labour.

20. **Ms. Aho Assouma** asked whether the programmes to combat child labour would also cover children who worked in the sex trade on Sri Lankan beaches.

21. **Ms. de Livera** (Sri Lanka) said that the National Child Protection Authority had begun to implement a pilot project in Hikkaduwa District, in cooperation with the provincial education authority, to identify child sex workers on beaches and establish a sex offenders register. The Authority planned to seek support for the project from the Sri Lanka Tourism Development Authority and the Ministry of Tourism Development and Christian Religious Affairs.

22. **Mr. Gastaud** (Country Task Force) asked whether the legal minimum working age was expected to be increased to 16 years or 18 years.

23. **Ms. Sigera** (Sri Lanka) said that the minimum working age was due to be changed from 14 years to 16 years, as education had been made compulsory up to the age of 16.

24. **Ms. Jinasena** (Sri Lanka) said that there had been a delay in adopting the bill on judicial protection for children, which would repeal certain provisions of the Children and Young Persons Ordinance and introduce new provisions to give effect to international child protection standards. The Attorney General had recommended various amendments under which the bill would apply to suspected, accused and convicted child offenders; would

provide greater protection for children taken into custody by introducing procedures to be followed by the police, including parental notification and possible referral to a mediation board instead of a court; and would grant the Attorney General the authority to suspend criminal proceedings for children who did not reoffend within a specified time period. The amendments had been adopted and, once approved by the Attorney General, the bill would be referred to the Cabinet and, subsequently, to Parliament.

25. Also under consideration was a bill to amend the Penal Code in order to change the age of criminal responsibility from 8 years to 12 years and the minimum age range for maturity of understanding regarding the consequences of criminal acts from 8–12 years to 12–14 years. In addition, the authorities were considering an amendment to the Code of Criminal Procedure Act (No. 15 of 1979) under which all child offenders would be referred for examination by a doctor, who would produce a report to serve as the basis on which the magistrate would judge the maturity of the child. Once approved by the Attorney General, both amendments would be submitted to Parliament.

26. All forms of corporal punishment, including whipping, were prohibited under the Corporal Punishment (Repeal) Act (No. 23 of 2005). In addition, the Constitution prohibited torture, both physical and psychological; all acts that caused harm to another person, even when committed by a parent or teacher against a child, were therefore prohibited.

27. Other legal provisions that protected children against physical and psychological abuse and suffering could be found in the Children and Young Persons Ordinance, the Penal Code, the Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act (No. 20 of 1998) and the Prevention of Domestic Violence Act (No. 34 of 2005). In addition, the Ministry of Women and Child Affairs, the Ministry of Education and the National Child Protection Authority were working to raise awareness about corporal punishment. The draft National Child Protection Policy included provisions to combat abuse of all kinds in schools, in particular corporal punishment, the humiliating and degrading treatment of children, bullying, and sexual and gender-based violence.

28. **Mr. Gastaud** said that it would be interesting to know whether the Government intended to introduce a minimum age for imprisonment, whether imprisonment was a sentence of last resort and whether there were any alternatives to detention for child offenders.

29. **Ms. Sandberg** asked whether the provision of Sri Lankan law that served as a legal defence for the corporal punishment of children had been repealed.

30. **Ms. Jinasena** (Sri Lanka) said that, under Sri Lankan law, no one was permitted to physically assault another person. Offenders could be prosecuted under the Penal Code. Although the domestic law contained no specific provisions against corporal punishment, it included various other provisions to that effect, which applied to both adults and children. Sexual harassment, even when committed by a parent, was also criminalized under the Penal Code.

31. With regard to the legal definition of "child", the State party acknowledged that the law was currently insufficient as it did not contain a uniform definition. Most domestic laws defined a child as a person under the age of 18. After ratifying the Convention in 1991, the Government had passed legislation to amend the Penal Code in order to cover a range of violations against children, including trafficking and physical and sexual abuse, in relation to which a "child" was defined as any person under the age of 18.

32. **Ms. Sandberg** asked whether the definition of a "child" as a person under 18 years of age also applied in cases of statutory rape, as the age of consent was 16 years.

33. **Ms. Jinasena** (Sri Lanka) said that, in accordance with the Penal Code, the offence of rape was considered more serious if the victim was under 16 years of age, in which case it carried a mandatory minimum sentence of 10 years' imprisonment. If the victim was 18 years of age or older, the offender could be sentenced to 7 to 20 years' imprisonment.

34. **Ms. Aho Assouma** said that she wished to know whether section 363 of the Penal Code would be amended to cover all girl victims of rape, without exception, and whether abortions were ever allowed in cases of rape.

35. **Ms. Jinasena** (Sri Lanka) said that if the child was between the ages of 16 and 18 years, a mandatory non-summary inquiry must be held and, if it was proved that the child had not given consent, the victim's age was considered to be an aggravating factor. With regard to cases involving rape victims who were Muslim girls, the law currently provided that sexual intercourse without consent did not constitute rape if the victim was married to the perpetrator, even if the victim was under 16 years of age. Amendments to the law were currently under consideration, however.

36. **Ms. Otani** (Country Task Force) asked how much progress had been made towards amending the provisions on the exception to statutory rape and on the minimum age for marriage under Islamic law, as those issues were interconnected.

37. **Ms. Jinasena** (Sri Lanka) said that, in the interest of ensuring equal treatment for all persons under the law, the Government would take into account the recommendations of the two committees that had been established to assess those issues.

38. **Ms. de Livera** (Sri Lanka) said that, following complaints from the public that children in street situations were loitering outside religious and other institutions, the police had developed a project in partnership with various government bodies, including the Ministry of Education and the Children and Women's Bureau, to identify the children's needs. The Government had established an emergency shelter for the children as an alternative to orphanages. A number of children formerly in street situations had performed street dramas to raise public awareness of violations of children's rights. In the Northern Province, a deinstitutionalization and family strengthening programme set up by the Commissioner of Probation and Child Care Services had met with considerable success.

39. The National Child Protection Authority worked closely with the police cybercrime unit and other State bodies to safeguard children's rights online. In 2017, the Authority's 24-hour toll-free helpline had received 100 complaints in that regard, and the Authority was directly involved in 25 investigations. The Authority had distributed leaflets at schools across the country to educate children and parents about responsible Internet use and had delivered training to teachers. Moreover, Internet service providers were legally obliged to report any cybercrime involving children to the police. Provision had been made in the Authority's 2018 budget to train information technology teachers in all schools in Sri Lanka.

40. The Government was prioritizing the prevention of corporal punishment. In one case in the Southern Province, where the local police had been reluctant to investigate allegations against a school principal of high community standing, the police assistant superintendent had intervened and a documented case of grievous hurt had now been submitted to the Attorney General for examination. The National Child Protection Authority was also implementing the recommendations of a report it had commissioned on corporal punishment.

41. **Mr. Gastaud** asked how long children in street situations stayed in emergency centres and whether they were subsequently returned to the streets, reunified with their families or sent to some other institution.

42. **Ms. de Livera** (Sri Lanka) said that no children had been accommodated in the emergency centre to date. However, the centre was a viable and more comfortable alternative to overcrowded orphanages.

43. **Ms. Aho Assouma** said that she wished to know whether the State party had a mechanism for combating the exploitation of children online and whether any studies had been conducted or any data had been compiled in that regard. Against the backdrop of generalized impunity in Sri Lanka, she also wondered whether any action had been taken to improve public confidence.

44. **Ms. Sandberg** said that she would like to know when responsibility for schools for war-affected children in the Northern Province would be transferred from the military to the Ministry of Education. She would also be grateful for information on the former child

soldiers who had surrendered to the Sri Lankan army at the end of the war and were reportedly still missing.

45. **Mr. Pathinathan** (Sri Lanka) said that, following the conflict, the relatives of many children had reported them as missing and had filed tracing requests with the authorities at both the district and the national levels. In December 2009, the District Secretary of Vavuniya had responded by establishing a Family Tracing and Reunification Unit, whose caseworkers had been trained by the United Nations Children's Fund (UNICEF) and international non-governmental organizations (NGOs). Since then, some 1,895 children had been reunified with their relatives. Over 600 children had yet to be traced because they had been too young to recount their experience or because their relatives had submitted incorrect information. More than 500 former child soldiers had been reunited with their families. To address shortfalls in human resources and funding, the Government was taking steps to merge the Unit with the newly established Office on Missing Persons. In addition, the Northern Provincial Council had allocated SL Rs 100 million to the Department of Probation and Child Care Services to strengthen family tracing and reunification efforts.

46. **Ms. Sandberg** said that she wished to hear the State party's response to allegations that some former child soldiers had not been returned to their families.

47. **Mr. Gastaud** said that the actual number of missing children was likely to be higher than the official figures suggested. He wondered whether the State party had calculated the number of children not yet identified. He would also appreciate further information on the role of the Office on Missing Persons and how it would work together with the Family Tracing and Reunification Unit.

48. **Mr. Pathinathan** said that the figures had been provided by the Sri Lanka Administrative Service. Efforts were still being made to trace the 611 children not yet identified. The final figure would depend on the results of those efforts.

49. **Mr. Aryasinha** said that Sri Lanka was strongly committed to implementing Human Rights Council resolution 30/1. The Office on Missing Persons was an independent and permanent body whose chair and commissioners would be appointed shortly by the President. It had been allocated a budget of SL Rs 1.4 billion for 2018. The Secretariat for Coordinating Reconciliation Mechanisms had been working with the International Committee of the Red Cross and other experts to establish the Office's organizational structure and training needs. Once appointed, the commissioners would build their own registry of cases based on the databases of previous commissions. Other mechanisms to be established included a truth and reconciliation commission, a reparations office and a judicial mechanism. Legislation for the establishment of the truth commission had been drafted following an island-wide consultation that had involved civil society. Consultation, training and other steps were being taken to establish the judicial mechanism.

50. To combat impunity and restore public confidence, the Government had increased the independence and resources of judicial and law enforcement institutions, including the National Police Commission and the Judicial Service Commission. The National Human Rights Commission of Sri Lanka had issued a series of directives to that end. The President had also issued directives to the armed forces and police to uphold human rights standards.

51. **Ms. Upulmalee** (Sri Lanka) said that numerous drug prevention measures had been taken as part of a broad approach to child protection, which was a government priority. A special presidential task force and a drug prevention unit worked in collaboration with several ministries, including the Ministry of Women and Child Affairs, and drug prevention was one of the goals of the Sustainable Schools Programme.

52. **Ms. Senadheera** (Sri Lanka) said that the Child Health Development Record, which was issued to every child, contained immunization and other medical information. Children in grades 1, 4, 7 and 10 underwent medical examinations at school; the purpose was not only to determine overall health, but also to identify any disabilities that a child might have. In addition, as part of an extensive screening programme, children were tested for congenital hypothyroidism at birth. A project to test newborns for congenital heart disease was being introduced at major hospitals; eventually such testing would be performed at all hospitals.

53. Breastfeeding was given priority in the country's health-care system and breastfeeding rates in Sri Lanka were among the highest in the world. The Code for the Promotion, Protection and Support of Breast Feeding and Marketing of Designated Products, which regulated items such as feeding bottles and products marketed as breast milk substitutes, would be revised to cover products intended for children up to the age of 3 years.

54. The National Strategy for Infant and Young Child Feeding (2015–2020) included guidelines for health-care staff who advised parents on child nutrition. Infant feeding practices did not involve gender discrimination. Through a variety of programmes, children and pregnant women, regardless of their economic status, were provided with calorie and vitamin supplements, and therapeutic nutritional supplements were prescribed to severely malnourished children.

55. **Ms. Aho Assouma** said that she would like to know whether the measures described were also implemented in villages and remote areas. In addition, she would appreciate information on the prevention of mother-to-child transmission of HIV/AIDS.

56. **Ms. Senadheera** (Sri Lanka) said that all pregnant women were tested for HIV under a national programme. In remote villages that lacked testing facilities, medical staff collected blood samples which were then forwarded to nearby hospitals. She was confident that by 2020, it would be possible to eliminate mother-to-child transmission completely. In addition, family health workers made house calls to assess the nutritional status of children and mothers and to advise pregnant women on contraception. The country had very good neonatal, infant and maternal mortality indicators.

57. **Ms. Senaratne** (Sri Lanka) said that a national action plan for social development included a programme to ensure that children in vulnerable situations had access to early childhood, primary and secondary education. In addition, government measures such as poverty reduction and microfinance programmes had resulted in notable advances, raising the standard of living of vulnerable children and their families. Meal programmes provided morning and midday meals for some 1.5 million schoolchildren, whose eligibility for such programmes was based exclusively on family income.

58. **Ms. Jinasena** (Sri Lanka) said that the Code of Criminal Procedure Act and the proposed amendments thereto provided for alternatives to custodial sentences for juvenile offenders, such as referral to a mediation board, compounding of offences and imposition of fines.

59. **Mr. Mezmur** asked whether the Government was seriously considering the issue of 16- to 18-year-olds in the justice system, whose treatment as adults constituted a violation of the Convention.

60. **Ms. Jinasena** (Sri Lanka) said that the Ministry of Justice was considering a proposal on uniformity of treatment for all juvenile offenders, regardless of age. With respect to abortion, a special committee established to study the question had recommended that the termination of pregnancy should be decriminalized in cases of rape or incest, severe fetal impairment or pregnancy of a girl younger than 16 years of age. The committee had also recommended a formal procedure to be followed in circumstances where an abortion might be warranted.

61. Under the 2016 Right to Information Act, which served to advance a culture of openness, all citizens, including children, were entitled to seek information from any public institution. Finally, the National Anti-Human Trafficking Task Force, which was led by the Ministry of Justice, was responsible for addressing the trafficking of children. The Task Force had produced a guide on the criminalization of trafficking in persons and migrant smuggling and had conducted awareness-raising activities for the benefit of vulnerable communities and victims.

62. **Mr. Gastaud** said that he appreciated the delegation's participation in what had been a constructive dialogue with the Committee. He encouraged the State party to continue its work on a variety of issues, including the establishment of suitable indicators on which to base its child protection policy, the elimination of child marriage, the identification of missing children, measures to address the economically motivated

migration of mothers, anti-discrimination regulations and the prompt adoption of the bill for the judicial protection of children.

63. **Ms. Senaratne** (Sri Lanka) said that the dialogue with the Committee had been very useful and that the questions raised would be considered with care.

The meeting rose at 1 p.m.



Convention on the Rights of the Child

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23 January 2018

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Committee on the Rights of the Child Seventy-seventh session

Summary record of the 2256th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 January 2018, at 3 p.m.

Chair: Ms. Winter

Contents

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Guatemala

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Combined fifth and sixth periodic reports of Guatemala (CRC/C/GTM/5-6; CRC/C/GTM/Q/5-6 and CRC/C/GTM/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Guatemala took places at the Committee table.*
2. **Mr. Borrayo Reyes** (Guatemala) said that, although considerable progress had been made in the protection of children's rights between 2010 and 2017, the Government recognized that important challenges remained. It was conscious that all administrative, legislative and judicial measures must take into account the fundamental principle of the best interests of the child. The Government sought to ensure that children were able to express their opinion on matters that affected them and to be heard in judicial and administrative proceedings. In terms of general implementation measures, highlights included the recent adoption of legislation on a genetic databank for forensic use, the establishment of the national sex offender registry, the passing of the School Meals Act, the amendment of the Civil Code to prohibit the marriage of persons under the age of 18, and the entry into force of the Migration Code, which provided for the comprehensive care of child migrants and unaccompanied minors.
3. Regarding policies and plans aimed at children, the Comprehensive Early Childhood Development Policy 2010–2020 continued to be implemented with the principal objective of ensuring that children from conception up to the age of 6 enjoyed basic rights through a system of comprehensive care that respected the country's cultural diversity. The 2017–2020 National Plan of Action for Children and Adolescents, prepared through a process of consultation in the country's 22 departments and with the participation of children and adolescents, had been presented to the three branches of government for signature. The National Commission on Children and Adolescents would officially present the National Policy on Children and Adolescents in February 2018.
4. Special protection measures could be implemented under the 2014–2034 National Policy for the Prevention of Violence and Crime, Citizen Security and Peaceful Coexistence, the 2015–2035 Democratic Policy on Crime and the National Strategy for the Prevention of Violence and Crime. Young people were a priority group under the National Policy on Decent Employment launched in 2017, one of the objectives of which was the prevention and eradication of the worst forms of child labour. The road map for 2016–2020 to make Guatemala free of the worst forms of child labour had been restructured to that end. Since January 2016, a protocol for children with a parent in detention had been implemented to improve the quality of life of children living in detention with their mothers or visiting a parent in detention. The Supreme Court had adopted a judicial policy for the special protection of children and adolescents 2015–2019 as well as regulations for juvenile courts.
5. The recently established technical committee on juvenile criminal justice had adopted a 2016–2019 inter-agency strategic plan for the juvenile criminal justice system and was currently working on a model plan for the treatment and support of adolescents in conflict with the law. The executive branch had increased the budget allocated to direct spending on children and adolescents by 29 per cent between 2012 and the end of 2017. The judiciary had increased its budget by 19.4 per cent between 2015 and 2017 to expand coverage of the juvenile courts and oversee measures for adolescents in conflict with the law. An inter-agency model for the reintegration and social rehabilitation of adolescents in conflict with the law had been introduced in 2017. A pilot plan for the PREVJUVE project on the prevention of youth violence had been launched in the department of Chimaltenango in early 2017 with a focus on entrepreneurship and employment skills for young people facing socio-educational measures or having served their sentence. As of 2018, a new model for the treatment and specialized prosecution of adolescents in conflict with criminal law would be implemented, under which deprivation of liberty was considered a last resort.
6. The Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination had been formalized, the indigenous inter-agency coordinating committee

established and the national policy on indigenous peoples and interculturalism was in the process of being adopted. The majority of public sector institutions had specialized offices with a mandate to mainstream indigenous peoples' rights and gender. As a result, equality was ensured for indigenous children and adolescents in access to health, education and justice, particularly in rural areas.

7. Since 2016, the National Registry Office had been implementing a system for the early notification of births to ensure early birth registration. With regard to the promotion of civil rights and freedoms, children were taught about their constitutional rights through a variety of educational activities in schools. Various State institutions had adopted and implemented protocols, regulations and road maps in response to complaints of ill-treatment or neglect of children and adolescents. The courts ordered protection measures for children and adolescents who suffered ill-treatment or neglect or were at risk of doing so. The Ministry of Health had 42 clinics for the care of survivors of sexual violence and pregnant girls under the age of 14. The "Blue Heart" anti-trafficking campaign had been translated into 10 Mayan languages. A campaign to combat the exploitation of children through sex tourism was being implemented with the participation of the business sector, and the "Watch out for grooming online" campaign had been launched in 2017. There were also mechanisms to support victims of torture and cruel or inhuman treatment in their recovery and social reintegration.

8. The Government had established a legislative and institutional framework that included the Act on the Comprehensive Protection of Children and Adolescents and a range of policies, programmes and projects aimed at ensuring their well-being and development. In the area of health, the Government was implementing the National Strategy to Prevent Chronic Malnutrition and had managed to reduce the child mortality rate by 17 per cent between 2010 and 2015. When it came to children with disabilities, 4,592 student grants and 1,898 family subsidies had been allocated in 2017, learning support programmes were carried out in inclusive schools and there was also an occupational training centre.

9. The Ministry of Education's policies included improving the coverage and quality of, in particular, preschool and primary education, and efforts were being made to strengthen bilingual and intercultural education to meet the needs of the indigenous population. As of 2018, an alternative education programme would be implemented to provide education to persons who for socioeconomic reasons had left school at an early age. In 2016 and 2017, the decline in the school enrolment rate had been halted and the rate of primary school completion had increased from 60 per cent to 78 per cent.

10. The Government had begun the process of deinstitutionalization in 2015, starting with the signature of an agreement between the Social Welfare Secretariat, the Counsel General's Office and the Buckner Institute, applicable to children up to the age of 3. In 2016, an inter-agency cooperation agreement involving the National Adoption Council had reduced the number of institutionalized children from 1,524 to 600. The Government deeply regretted the loss of life at the Virgen de la Asunción shelter and had taken urgent measures to ensure that institutions involved in that area better coordinated their plans and programmes for vulnerable children to ensure that such a tragedy never recurred. To that end, the Counsel General's Office had set up a system to reduce the number of children having to stay in shelters through rapid investigation procedures and alternative protection measures. The Presidential Human Rights Commission had introduced the inter-agency humanitarian cluster with the support of the international community to provide immediate attention to the survivors and families of all the girls affected by that terrible incident.

11. **Ms. Aldoseri** (Coordinator, Country Task Force) said that, while significant progress had been made, the Committee would focus on what could be further achieved to ensure that Guatemalan children enjoyed all their rights under the Convention. As requested in the Committee's list of issues, she would welcome clarification on the coordination mechanisms of the Social Welfare Secretariat and the National Commission on Children and Adolescents with regional agencies responsible for implementing laws and public policies for the protection of children and adolescents, and whether the Commission had the necessary human and financial resources to carry out its mandate. She wished to know what progress had been made in harmonizing domestic laws with the Convention, what action had been taken in response to the Committee's earlier recommendation on the amendment

of the Act on the Comprehensive Protection of Children and Adolescents to effectively prohibit corporal punishment, and the time line for the adoption of the bill on the prohibition of corporal punishment presented in 2016. She would like to know more about the composition of the reformulated Public Policy for the Comprehensive Protection of Children and Adolescents and its adoption.

12. Welcoming the increase in the budget for direct spending on children and adolescents, she said the delegation might indicate what system had been developed to track the allocation of resources and assess their impact, how it was ensured that services rendered to children were not the first to suffer in times of austerity, and whether the Government had consulted the Committee's general comment No. 19 (2016) on public budgeting for the realization of children's rights. She wondered whether any progress had been made in developing a system for the collection of comprehensive, disaggregated data on children at the municipal level and, if so, whether it was regularly updated to support the design of programmes and policies to implement the Convention. The delegation should indicate whether there were national awareness-raising campaigns to disseminate the Convention among professionals and the general public, including children. It should also clarify how the Committee's concluding observations on the State party's third and fourth periodic reports had been shared with civil society, what role civil society organizations played in developing policies and assessing government services aimed at children, whether such organizations had been consulted in the preparation of the report under review, and how cooperation with NGOs working with children in situations of vulnerability might be described.

13. Concerning children's rights and business, she would like to know which agency was responsible for monitoring the impact of the mining and tourism sectors on children's rights, what kinds of violations of children's rights had been reported in the past, what compensation had been awarded to the children concerned and their families, and what penalties imposed on the individuals or companies responsible. The delegation might comment on the Government's response to the report by the Children's and Adolescents' Parliament that children in the Izabal area claimed that mining waste affected children's health.

14. **Ms. Sandberg** (Country Task Force) said that she would like to know what the Government intended to do to address the fact that, despite the existence of various policies and plans, certain groups, such as indigenous girls, continued to face multiple discrimination. There seemed to be a lack of political commitment and funding to remedy the situation. The delegation should comment on the situation of lesbian, gay, bisexual, transgender and intersex children in light of the initiative to protect the traditional family and what was being done in response to reports that children felt they were discriminated against for the very fact of being children. It should also explain how the principle of the best interests of the child was taken into account in humanitarian emergencies and enforced evictions, whether judges applied the principle in their decisions, and whether children were heard in civil cases, such as divorce proceedings. Was the Committee's general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration widely known?

15. When it came to the right to life, the fire at the government-run Virgen de la Asunción institution, in which some 40 girls had died, had highlighted the serious deficiencies in the system, including the lack of adequate resources and training of staff.

16. She wished to know what was being done to improve the treatment of minors and the conditions in juvenile detention facilities. In addition, she wondered what, in the State party's view, were the root causes of the high levels of violence, including sexual violence, to which its children were subjected and what could be done to prevent it.

17. She asked what progress had been made towards the adoption of the bill on the prohibition of corporal punishment and whether the bill, if enacted, would explicitly prohibit all forms of corporal punishment, including by repealing any provisions allowing the corporal punishment of children in exceptional circumstances. She would also welcome information about the efforts being made — awareness-raising, for example, or teacher training — to combat corporal punishment on the ground.

18. In addition, she wished to know what measures were being taken to prevent abuse and neglect and improve conditions in children's institutions, such as the Virgen de la Asunción shelter, what plans had been made to encourage children to report the sexual violence to which they were subjected and whether the law raising the age of marriage to 18 was enforced in all circumstances and by all the country's judges. Similarly, she wondered whether the State party had plans to improve access to recovery and reintegration services and whether children had access to a toll-free hotline open around the clock and providing counselling, including in indigenous languages, and to referral services.

19. **The Chair** (Country Task Force) said that she would welcome an indication of the impact of the commendable steps that had been taken to increase birth registration rates in the State party, especially in rural and indigenous areas. In the same connection, she asked how the State party intended to resolve the problem of unregistered births, in particular in remote areas in the northeast, where most women gave birth at home and the journey to town could be long and costly.

20. She wondered whether the laws governing the media in the State party protected children's privacy and whether any plans had been made to ensure that children in institutions, who rarely had any private space of their own, could enjoy their right to privacy. In addition, she asked whether any campaigns were being run to help children protect themselves from the dangers, including harassment, they encountered on the Internet. Lastly, she wished to know whether the Government enlisted the help of the media in its efforts to promote children's rights.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

21. **Mr. Borrayo Reyes** (Guatemala) said that it had been necessary to take legal action to remove the families who had settled illegally in the country's protected areas, but the Government had found alternatives for most of those evicted, not least by obtaining farms to which they could move. The move would enable them to lead decent lives.

22. Guatemala had sought international support for its efforts to protect its nature reserves, which had been designated for the benefit not only of Guatemalans but also of all humanity, and attend to the needs of the people who had been evicted from them. A humanitarian crisis committee, which the Government intended to establish very shortly, would study ways of responding to the different issues raised.

23. **Mr. Romero García** (Guatemala) said that the National Commission on Children and Adolescents, which brought together representatives of the Government and civil society, had a general assembly, an executive board and a secretariat. The secretariat's staff members were paid from the budget of the Social Welfare Secretariat of the Office of the President. The Commission was chaired alternately, for one year, by a representative of the Government and by a representative of civil society. He himself was the current Chair. The Vice-Chair was a representative of the non-governmental organization Save the Children, which had financed the development of a policy document on the comprehensive protection of children and adolescents.

24. The policy document was informed by the Sustainable Development Goals, the K'atun National Development Plan and principles enshrined in international human rights instruments. Starting in March 2017, children and adolescents in each of the country's 22 departments had participated in consultations on a proposed national action plan that took a comprehensive approach to improving their living conditions. The results of the consultations had been forwarded to the Commission, and, in a bid to secure the necessary financing, the proposed plan would be submitted to the Government in February 2018.

25. The Office of the Deputy Minister for the Prevention of Violence and Crime had been given its current name in 2013. It developed programmes designed to address the causes of violence in households, schools and local communities. The Safe Schools Programme, run in conjunction with the Ministry of Education, was one such programme. As part of a similar programme, police officers who had received the appropriate training mentored children and adolescents in a number of the country's schools.

26. The Commission also supported efforts in a number of the country's most violent neighbourhoods to create organizations of young people that created a group identity and

fostered a sense of belonging. Efforts to improve the collection and disaggregation of data on violence were well under way. They included the country's first survey of public perceptions of crime and victimization, which was currently being conducted. Another survey, which was to be carried out later in 2018, had been designed specifically to identify the vulnerabilities of the country's children and adolescents.

27. **Ms. Contreras Mejía** (Guatemala) said that the initial budget of the Social Welfare Secretariat for 2017 of 225 million quetzales had subsequently been increased to 228 million quetzales. The Secretariat's budget for 2018 had been set at 225 million quetzales; a request from the Secretariat for an additional 150 million quetzales had not been approved. The resources allocated to the Secretariat were not sufficient to enable it to increase the reach and effectiveness of its programmes. The Secretariat's staffing levels had increased considerably in 2017.

28. The Secretariat was responsible for four juvenile detention centres. Renovations to the centres, begun in 2017 and scheduled to continue in 2018, would help reduce overcrowding and improve the conditions of detention. Plans had also been made to remodel the facility that had housed the Virgen de la Asunción shelter. The remodelled facility would be used as another juvenile detention centre as four were not enough.

29. Efforts to prevent the ill-treatment of adolescents deprived of their liberty included the prohibition of corporal punishment and pepper spray in detention centres, the submission of complaints to the Public Prosecution Service and the administration of lie-detector tests to detention centre personnel. Detained young people could make free telephone calls to their families, and the authorities had made it easier for them to receive visits. The "Give Me a Chance" campaign had been launched with a view to preventing the stigmatization of adolescents who were released from juvenile detention facilities.

30. **Ms. Dávila Salazar** (Guatemala) said that there were several call centres that received emergency calls around the clock. One such centre, operated by the Public Prosecution Service in coordination with the National Civil Police, relied on Global Positioning System (GPS) receivers to locate callers.

31. A bill to combat the harassment of children on the Internet had been drafted, while the bill on the prohibition of corporal punishment was currently before the Congressional Commission on Human Rights. In 2016, a juvenile judge had ordered measures, including publicity campaigns, to combat discrimination against minors in conflict with the law. She had also ordered the Ministry of Education to develop a violence-prevention programme. The programme, which was to be offered in schools, was being developed with the support of the Office of the Human Rights Ombudsman and other governmental and non-governmental institutions.

32. Policies for the protection of children and adolescents in the justice system had been formulated with the assistance of civil society and the United Nations Children's Fund (UNICEF). Twenty of the country's departments had juvenile courts, which ensured that the best interests of children and adolescents who were parties to judicial proceedings were a primary consideration.

33. **Ms. Sandberg** asked whether any of the helplines mentioned were specifically for children.

34. **Ms. Dávila Salazar** (Guatemala) said that there was no dedicated helpline for children. The centres to which the calls were directed provided immediate support to victims. There were plans to open another two centres, in areas with a significant indigenous population.

35. **Ms. Aldoseri** said that it was not clear whether the State party had a comprehensive data-collection system that covered all child-related issues.

36. Noting that the Social Welfare Secretariat had recruited new staff even though its budget had not been increased, she asked whether funding had been diverted from policies and programmes to pay for the salaries of new recruits.

37. **Mr. Borrayo Reyes** (Guatemala) said that the Government was planning to introduce a system to monitor the implementation of human rights recommendations, with

support from the Government of Paraguay. That system would involve data collection on child-related issues, including violence against children. It had not yet been implemented because it was very expensive.

38. **Ms. Guzmán Loyo** (Guatemala) said that, in 2016, a specific office had been established for the investigation and prosecution of offences against children. It was staffed by prosecutors, medical staff, psychologists and social workers who focused on the needs of victims and the prevention of secondary victimization. Furthermore, special units had been set up in hospitals to combat secondary victimization in sexual violence cases.

39. **The Chair** said that it would be useful if the delegation could provide statistics on the number of prosecutions, convictions and sentences served for offences against children.

40. **Ms. Guzmán Loyo** (Guatemala) said that, between 2015 and 2017, the Public Prosecution Service had dealt with over 130,000 child victims, most of whom were between 10 and 17 years old. More than 26,000 of those victims had received medical, psychological and social support. Around 250 of the victims were children with disabilities.

41. Over that period, there had been over 1,700 convictions for sexual offences against a child or adolescent, compared with around 500 acquittals. Over 900 child victims had been heard in Gesell chambers.

42. The fire at the Virgen de la Asunción shelter had been thoroughly investigated by multidisciplinary teams of specialists. Steps had been taken to ensure that the surviving victims received comprehensive support and to prevent secondary victimization. Charges had been brought against eight people, some of whom were senior officials or police officers. The case remained pending.

43. **Mr. Romero García** (Guatemala) said that data on issues such as violence could only be accessed through the Public Information Unit. However, the Government was developing an online tool that would enable members of the public to freely consult disaggregated data that had been collected by the police.

44. **Ms. Dávila Salazar** (Guatemala) said that information on cases, sentences and alternative measures was stored in a database. There was also a system for recording children's personal data in cases where protective measures had been taken.

45. Between January and July 2017, a total of 118 child marriages had been authorized. However, since the entry into force of new legislation prohibiting child marriage in August 2017, no such marriages had been approved.

46. **Mr. López Rivas** (Guatemala) said that a number of measures had been taken to promote intercultural bilingual education and to protect the rights and cultural identity of indigenous peoples. For example, school curricula had been amended to place greater emphasis on indigenous cultures, and teaching materials in Mayan languages had been developed. Agreements had also been signed with various entities to ensure access to education for the children of indigenous farm workers.

47. **Ms. Guzmán Loyo** (Guatemala) said that a special unit for the investigation of child pornography offences had been established in May 2016. So far, 19 complaints had been filed. There had been 10 convictions and 1 acquittal.

48. **Ms. Dávila Salazar** (Guatemala) said that children whose parents had filed for divorce were heard by the judge dealing with the case, to ensure that their best interests were taken into account in custody decisions.

49. **Ms. Sandberg** asked what steps were taken to ensure that such hearings were child-friendly, whether judges spoke directly to the children concerned and, if so, whether they received specific training on how to interact with children.

50. **Ms. Dávila Salazar** (Guatemala) said that, in such cases, the child was first assessed by a psychologist to determine whether he or she would be able to cope with a hearing. The hearing itself took place in a Gesell chamber, which was designed to make children feel comfortable. Such chambers were used in family law cases and femicide cases.

51. **Mr. Cardona Llorens** asked whether the child simply went unheard if the psychologist advised against the hearing.
52. **Ms. Dávila Salazar** (Guatemala) said that the psychologist's opinion was taken into account and that the hearing could be postponed if necessary.
53. **Mr. Romero García** (Guatemala) said that a national strategy to combat cybercrime, developed in collaboration with UNICEF, would be submitted to the National Security Council for approval on 25 January 2018. The aim of the strategy was to keep children safe online. A special unit had been set up within the national police to handle cybercrime complaints.
54. **Mr. Borrayo Reyes** (Guatemala) said that a number of measures had been taken to protect the rights of indigenous persons, who were considered a particularly vulnerable sector of the population. For example, 400 registry offices had been opened throughout the country to ensure that all births were properly registered, including in rural and indigenous areas.
55. **The Chair** said that the delegation had not yet responded to the questions raised about torture and inhumane treatment in prisons; criminal youth gangs (*maras*) and bullying in schools; protection of privacy, particularly in relation to the media; and the report written by children on child rights and the business sector.
56. **Ms. Aldoseri** said that she would like to hear more about efforts to disseminate the content of the Convention.
57. **Mr. Borrayo Reyes** (Guatemala) said that human rights education in schools covered the basic principles enshrined in the Convention. Those principles were also promoted through private initiatives and through training courses run by the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights for people who worked with children on a daily basis, such as teachers and police officers.
58. **Ms. Dávila Salazar** (Guatemala) said that the judiciary implemented programmes that brought justice closer to children and informed them about their rights. The Office of the Human Rights Advocate also provided human rights education and had held hundreds of events in schools in which a total of 348,733 persons had participated; it had also organized a festival entitled "Let's Express Our Rights". Meanwhile, 18 teachers had passed a diploma course accredited by the University of San Carlos, incorporating subjects such as children's rights, human trafficking and sexual and commercial exploitation.
59. **Mr. Borrayo Reyes** (Guatemala) said that the views of children and adolescents had been taken into account in the drafting of the report, with support provided by UNICEF.
60. **Mr. Canto Mejía** (Guatemala) said that the Convention was an important instrument that merited dissemination in the national education system. The Ministry of Education was implementing a programme on citizenship training, a culture of peace and human rights, which aimed to equip teachers with the tools to promote knowledge of children's rights in the classroom. It had also engaged in a joint initiative with the Constitutional Court and had organized an exhibition and a competition to promote human rights.
- The meeting was suspended at 5.30 p.m. and resumed at 5.40 p.m.*
61. **Mr. Pedernera Reyna**, observing the successes achieved by the Government in supporting and strengthening the family, notably through the "My Family Makes Progress" conditional cash transfer programme, said that he would like to know what human resources had been deployed for that purpose. He asked whether the Committee's previous recommendations on reintegrating children with their biological and extended families, strengthening community programmes and promoting foster families, while using residential care in institutions as a last resort, had been acted on during the review period and with what financial and human resources. He asked how soon the Government would adopt Bill No. 5285, which aimed to establish a comprehensive protection system for children and adolescents that would avoid unnecessary legal proceedings and provide specialized services for child victims. Information might also be provided on the number of children placed in institutions and the reasons for doing so, and on any State policies to

discharge children from institutional care. Furthermore, considering that emigration had had a profound impact on the family lives of Guatemalan children, he requested details on measures that the State had planned or taken to address the situation of children whose parents had emigrated and ensure that, where possible, they remained within their family unit.

62. The Committee was deeply troubled by the deaths of 41 girls in the fire at the Virgen de la Asunción shelter and wished to know whether a prompt, effective and impartial investigation into the tragedy had been carried out. He would be grateful for figures on the number of perpetrators identified and prosecuted, supervising officials dismissed from their posts and directors placed under investigation as a result of the incident. Did any implicated staff members continue to have contact with children and what steps had been taken to ensure that the event would never be repeated? According to information at the Committee's disposal, the home had operated with a capacity of 700 and the State had recognized 500 victims in addition to the 41 that had perished; but the status of the other 159 children and adolescents was unclear. Given that the girls had complained of sexual abuse and rape, which suggested the possibility of human trafficking, he wished to know what measures had been taken since the fire to investigate and address those complaints and whether any charges had been brought in that regard.

63. Concerning institutions in general, he was interested to know how the State viewed the 2016 recommendation of the Committee on the Rights of Persons with Disabilities to abolish the system whereby foreign volunteers were recruited to work in such facilities, which might be regarded as perpetuating institutionalization. What models were being developed on the basis of cooperation with international organizations such as UNICEF and did they take into account the Guidelines for the Alternative Care of Children? What psychosocial care, compensation and rehabilitation were made available to the Virgen de la Asunción victims, and how many had benefited from such measures? The Committee also wished to know how the State intended to prevent the revictimization of the victims during the legal proceedings that had been instituted to determine responsibility for the fire and ensure that victims were treated with due respect.

64. Although it welcomed the adoption of amended legislation on adoption and noted that the Public Prosecution Service investigated irregular adoption cases as part of its anti-trafficking mandate, the Committee would appreciate clarification of the scale of the problem relating to the abduction, disappearance or sale of infants and children. What steps, in addition to the adoption of the Alba-Keneth Act, had been taken to search for and identify missing children and adolescents? What checks were carried out by the National Adoption Council and were any other mechanisms involved in supervising adoptions? The delegation might also describe the sanctions applied to perpetrators and institutions involved in illegal adoptions.

65. Notwithstanding the coordinated efforts of the State and civil society organizations to address the situation of children with a family member in prison, he wondered how many children faced that problem and what policies were implemented to facilitate contact between children and imprisoned relatives. What steps were envisaged to prevent the institutionalization of such children in the event of their parents' detention? He would also welcome information on the number of children in street situations and on education, health and social security policies to discourage street living and policies to combat discrimination and violence against street children.

66. Welcoming the cooperation agreement that the Government had signed with the University of Granada and the University of North Texas to set up a database of missing children under the DNA-Prokids programme, and recalling the establishment of the Alba-Keneth Warning System, he asked whether the trafficking and sale of children remained a latent threat and how the State party planned to quantify and resolve the problem. What reparation and rehabilitation were available for victims?

67. In the sphere of juvenile justice, the increase in the number of juvenile judges in the judiciary, from 3 to 20, was a satisfactory development, as was the more frequent application of alternatives to custodial sentences; nevertheless, he wondered whether the judiciary planned to rectify the shortfall in the number of enforcement judges. Given the

concentration of juvenile justice services in Guatemala City, he was curious as to how the system might be decentralized so that young offenders would not be forced to serve sentences far from their families. What steps were being taken so that specialized judges could promptly hear adolescents awaiting trial, avoiding the need for transfers and prolonged periods of detention? He would also welcome information on measures to reduce overcrowding in youth detention centres and to separate juveniles in pretrial detention from those who had been convicted. The Committee was aware that access to education in detention centres had improved, but was concerned that structural problems caused adolescents to spend many hours locked in crowded cells without natural light or access to recreational activities. Was the Government planning to address that situation?

68. Regarding the Optional Protocol on the sale of children, child prostitution and child pornography, the Committee welcomed the ongoing institutional, policy and legislative initiatives to protect children and adolescents from sexual exploitation and trafficking, yet noted that the Public Prosecution Service had reported numerous cases of sexual violence, abuse and disappearances. Accordingly, he wished to know whether Guatemala had a national strategy to address the sale of children, child prostitution and child pornography, what resources were allocated to it, and whether the judiciary had efficient mechanisms to investigate such crimes and prosecute the perpetrators.

69. Lastly, on the Optional Protocol on the involvement of children in armed conflict, he noted that, while there was no armed conflict in Guatemala, concerns persisted about violence and the use of children by criminal youth gangs (*maras*) and traffickers. Therefore, he would like to know what was the scale of those problems, how they affected children and what programmes were in place to address them. The Committee would appreciate information on policies to recover children from organized crime groups and reintegrate them into society, and on whether the State had expressly prohibited the recruitment of children by classifying it as an offence.

70. **Ms. Aldoseri** said that she was interested to know whether the State party had a strategy to address discrimination against children with disabilities in terms of access to education and health services, which could lead to their institutionalization. In that regard, she asked how many children with disabilities were placed in institutions, what measures had been adopted to prevent institutionalization and what community-based alternatives and support services were available so that they could enjoy their rights. Regarding the incident at the Virgen de la Asunción shelter, she asked how many of the fatal victims had had disabilities. How many children with disabilities were enrolled in inclusive education and how many attended special schools?

71. In the area of health, she welcomed the adoption of the Food and Nutrition Security Programme and asked whether the State party had adopted the Act on the Protection, Promotion and Support of Breastfeeding. Information might also be provided on measures to improve low breastfeeding rates, to combat the high prevalence of stunting among children and to train health professionals. She would also appreciate details regarding any mechanisms that had been developed to monitor compliance with the International Code of Marketing of Breast-milk Substitutes, and regarding plans to increase access to baby-friendly facilities and reassess accredited facilities. She requested an explanation of the deaths of indigenous children in the municipality of Camotán, together with information on malnutrition in indigenous communities, particularly among children under the age of 5 years, and measures to combat it. Further details might be provided on programmes to raise adolescents' awareness of HIV/AIDS, sexually transmitted diseases and prevention methods.

72. Regretting that the State party had not yet met the Committee's recommendations to provide free education and ensure that children completed primary and secondary education, she asked what policies had been adopted to increase school enrolment and student retention, particularly in marginalized areas. What findings had emerged from studies conducted, if any, on the causes of school abandonment? Lastly, she asked whether the State had developed any cultural programmes for children and how it ensured access to safe, clean play spaces.

73. **Ms. Sandberg**, observing that Guatemala recorded about 70,000 teenage pregnancies each year and that the State had a legal responsibility to teach teenagers about sexual and reproductive rights, said that she wished to know whether adolescents were involved in developing such a curriculum, and how the Government intended to address limited or non-existent access to contraceptive methods in the country. In the light of reported suicides among children, she wondered whether psychosocial support services such as school nurses or psychologists were readily accessible and whether they might be expanded. Lastly, she asked how the Government might remedy schools' lack of understanding of environmental degradation and its impact on communities. Were children able to learn about disaster preparedness and participate in environmental policymaking, and had measures been taken to protect them from environmental health threats?

The meeting rose at 6.10 p.m.



Convention on the Rights of the Child

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Committee on the Rights of the Child Seventy-seventh session

Summary record of the 2257th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 January 2018, at 10 a.m.

Chair: Ms. Winter

Contents

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Guatemala (continued)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties (continued)

Combined fifth and sixth periodic reports of Guatemala (continued)
(CRC/C/GTM/5-6; CRC/C/GTM/Q/5-6 and CRC/C/GTM/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Guatemala took place at the Committee table.*
2. **The Chair** (Country Task Force) said that she would like to know why the standard of living in rural areas and among indigenous communities remained much lower than that in urban areas and what the State party was doing to address that gap. As Guatemala had one of the highest rates of early pregnancy in the world, she also asked what was being done to address that issue.
3. She wished to know what steps were being taken to combat the push factors that drove children to migrate. It would also be interesting to know what mechanisms were in place to assist child victims and witnesses of crimes and whether the State party intended to adopt legislation based on the model law prepared by the United Nations Office on Drugs and Crime and the United Nations Children's Fund (UNICEF) on Justice in Matters involving Child Victims and Witnesses of Crime.
4. She asked why the level of impunity for attacks perpetrated against children from minorities and indigenous backgrounds was so high and what the impact of the efforts made to reduce discrimination against those groups had been. She also enquired why both the poverty rate among indigenous children and the percentage of children involved in organized crime had further increased and what was being done to combat those problems.
5. **Mr. Borrayo Reyes** (Guatemala) said that, although progress had been made, the situation in the country remained complex. The repercussions of the civil war continued to be felt, primarily owing to the break-up of families that it had caused. Various efforts were being made to improve the situation, including through a programme, supported by the United States Government, to promote prosperity in the Central American "Northern Triangle", but resources were limited.
6. **Ms. Contreras Mejía** (Guatemala) said that, in response to the fire at the Virgen de la Asunción shelter, the Social Welfare Secretariat was developing a strategy to introduce administrative care and protection mechanisms, promote family reunification, restructure the foster programme and establish care homes. In addition, a national programme had been adopted to raise awareness of the negative effects of institutionalization; parenting workshops were being run in local communities; and non-residential psychosocial care and support was being provided to families. Multidisciplinary teams of professionals and strategic alliances with international organizations and civil society actors had been established to support those efforts.
7. Furthermore, the agency under which the home had operated had been closed down, and a new protection cluster had been set up to support family reunification, establish residential care homes and 72-hour care centres, introduce a foster programme and provide psychosocial care. A high-level committee had been established to monitor the implementation of the cluster. Deinstitutionalization measures had also been adopted, and efforts were being made to introduce alternative care measures, in cooperation with non-governmental organizations.
8. The Social Welfare Secretariat had reunited most of the survivors of the fire with their biological or extended family; in four cases, financial support was being provided. Victims also had access to psychosocial support and specialized therapy. Work was being done with the adolescent victims, particularly those at risk of drug abuse, to develop life plans. Furthermore, international cooperation efforts were helping to support the work of the institutions involved and assess the capacity of their personnel.
9. **Mr. Cardona Llorens** said that it would be interesting to know where the children with disabilities who had been resident at the home had been sent. As many families did not

have the financial means to care for children with disabilities, he asked what was being done to overcome poverty in such cases and encourage deinstitutionalization.

10. **Ms. Aldoseri** (Coordinator, Country Task Force) said that she wished to know why the State party was building four new care institutions when resources could be better spent on supporting alternative, community-based care measures.

11. **Mr. Bautista** (Guatemala) said that family reintegration was an 18-month long process, which the Office of the Public Attorney for Children and Adolescents was working to implement. Protection plans had been introduced to ensure that all the children with disabilities who had been returned to their families following the incident at the shelter had access to community services and received financial support. Such plans had been developed even before the incident as part of the Government's deinstitutionalization strategy.

12. In 2016, the Social Welfare Secretariat, the National Adoption Council and the Counsel General had signed an agreement with the aim of eliminating care homes through the adoption of an alternative system of administrative protection measures designed to reduce the need for judicial proceedings. In 2017, under the new system, the rate of institutionalization had dropped from 75 per cent to 2 per cent. Children were institutionalized only where it was in their best interests; the majority of children were placed instead with their extended families under a protection plan.

13. He requested that the Committee provide the Office of the Public Attorney for Children and Adolescents with greater technical support to help it improve its deinstitutionalization processes.

14. **Ms. Guzmán Loyo** (Guatemala) said that an immediate, impartial and objective investigation had been opened following the fire at the Virgen de la Asunción shelter, as a result of which criminal proceedings had been launched against eight officials. On 30 March 2017, arrest warrants had been issued for the director of the shelter, the former Secretary of the Social Welfare Secretariat and the former Under-Secretary. On 8 June 2017, an arrest warrant had been issued for the Advocate for Children and Adolescents; he was currently still in his post and thus continued to be in contact with children. Arrest warrants had also been issued on that date for the Human Rights Defender for Children, the head of the protection department for the shelter, the Deputy-Commissioner of the National Civil Police and a deputy-inspector. Charges against the suspects had been brought on 12 June 2017.

15. With regard to the victims, human-rights organizations were helping to provide food and shelter where required, and psychological support had been provided to the families of the deceased. In order to prevent revictimization, the survivors had been allowed to testify anonymously. Allegations of sexual abuse perpetrated before the fire were also being investigated. Furthermore, in 2016 the Human Rights Advocate had ruled that the human rights of the victims had been violated and he had named the individuals responsible.

16. **Mr. Pedraza Reyna** (Country Task Force) asked whether, in addition to those who had already been named, any other individuals who had worked directly with the children had been charged.

17. **Ms. Dávila Salazar** (Guatemala) said that the Juvenile Court of First Instance in Guatemala City had issued a ruling in December 2016 regarding the Virgen de la Asunción case, in which it had found that multiple violations had taken place, including overcrowding, ill-treatment and abuse. The Court had also ordered the Counsel General to ensure that all children were returned to their immediate or extended families and had authorized the Public Prosecution Service to investigate allegations of abuse and ill-treatment. The charges brought against the persons who had been detained so far included culpable homicide, abuse of authority, breach of duty and ill-treatment of minors.

18. More than 80 per cent of the victims had been deinstitutionalized; those remaining in institutions were kept there because no alternative protection measures were available. In general, children were placed in institutions only as a last resort and for no more than three months. The Counsel General had carried out an assessment of the institutionalized

population to identify the reasons for institutionalization and the ideal family conditions in which to place children.

19. **Mr. Bautista** (Guatemala) said that over 600 children and adolescents, including 183 children with disabilities, had been resident in the Virgen de la Asunción shelter at the time of the fire. A strategic plan for the gradual closure of such shelters was in place; one shelter had recently been closed because it had not been authorized by the National Adoption Council. Thanks to humanitarian assistance from international organizations, specialized personnel had been appointed to provide psychosocial support for victims and training for staff from the Counsel General's Office, the Social Welfare Secretariat and other related institutions. Many of the children who had been resident in the shelter had been reunited with their families; staff from the Counsel General's Office periodically visited families to monitor the implementation of protection plans. Humanitarian funds had also helped to establish a protection cluster for the coordination of those monitoring efforts.

20. **Ms. Guzmán Loyo** (Guatemala) said that the Public Prosecution Service was investigating whether other persons might be criminally responsible for offences committed either before or after the fire at the shelter. In relation to complaints brought before the fire, two sentences had been handed down, charges had been brought in seven other cases, and the public hearing of a further case was imminent. The charges brought included sexual assault and the ill-treatment of minors. The Service had found no evidence to corroborate claims that criminal networks were sexually exploiting children in homes; however, investigations into individual cases were ongoing.

21. **Ms. Ayoubi Idrissi**, while acknowledging the efforts being made to monitor children following deinstitutionalization, said she wished to know whether any quality standards were imposed in that regard; whether any children were put into foster care and, if so, within what legal framework; and how many social workers were responsible for monitoring deinstitutionalized children.

22. **Ms. Contreras Mejía** (Guatemala) said that the Social Welfare Secretariat was currently responsible for 118 children with disabilities and was developing a deinstitutionalization programme with families specialized in caring for them. Foster families were trained and certified.

23. **Ms. Aldoseri** asked whether families were also trained to foster children with disabilities.

24. **Ms. Contreras Mejía** (Guatemala) said that a model was being developed whereby families with specialist knowledge would foster children with disabilities.

25. **Ms. Arévalo Flores de Corzantes** (Guatemala) said that the Public Criminal Defence Institute guaranteed the confidentiality of children in conflict with the law. Where children were deprived of their liberty, the public defender upheld their right to communicate with their family. Six of the 36 habeas corpus actions brought in 2017 had been declared admissible.

26. **Ms. Contreras Mejía** (Guatemala) said that the Government had developed measures to help keep migrant children with their families. It had also devised a training programme to provide psychosocial support to unaccompanied migrant children returning to Guatemala and had created a network to monitor such children. Technical training had been provided to hundreds of children and adolescents, including in entrepreneurship. Moreover, the Ministry of Education had launched a distance learning programme to help prevent young people outside the school system from joining gangs or emigrating and to provide Guatemalans living abroad with primary and secondary education so that they could take up skilled positions if and when they returned to Guatemala.

27. **Mr. Romero García** (Guatemala) said that, since 2015, the Ministry of the Interior had been working to improve the situation of detained mothers and their children. It had deployed mobile birth registration units in places of detention to ensure that the children of detainees received identity papers. It was also working with four detention centres to improve the quality of family visits and the living conditions of such children. In some centres, scanners had been installed to prevent the need for intrusive body checks, and crèches and play areas had been provided. Moreover, a prison specifically for 250 mothers

and their young children was being built in Villa Nueva. The Ministry was due to sign an agreement with the Social Welfare Secretariat with a view to fully meeting children's nutritional and day-care needs.

28. The Ministry was working with schools and youth organizations in vulnerable neighbourhoods to address the root causes of children's recruitment to criminal gangs. In partnership with the United States Embassy in Guatemala, a programme had been rolled out to help prevent primary and secondary school pupils from joining gangs by improving communication with their families and teachers.

29. A programme to recover public spaces in over 200 municipalities across the country had successfully reduced indicators on violence over the past seven years. A number of officers were currently receiving specialist training in project assessment with a view to improving such programmes.

30. **Ms. Aldoseri** asked whether the recruitment of minors to the army and non-State armed groups was specifically criminalized in the Criminal Code and, if not, whether the Government was taking steps to ensure that it was.

31. **Mr. González Díaz** (Guatemala) said that a new strategy had been devised to reduce the prevalence of chronic malnutrition in Guatemala based on the recommendations of an impact study on the previous prevention strategy. The new strategy focused on the adoption of good nutrition practices, the provision of micronutrients and the treatment of acute malnutrition; it aimed in particular to improve the nutrition of mothers, pregnant women, women of childbearing age and children up to 2 years of age. Over the past 20 years, the prevalence rate of chronic malnutrition had fallen by 8.7 per cent.

32. The Government had adopted and incorporated into domestic law the International Code of Marketing of Breast-milk Substitutes. Some 73 per cent of children received breast milk within an hour of birth and 56 per cent of infants up to 6 months of age were fed exclusively on breast milk. The National Secretariat for Food Security and Nutrition was promoting the establishment of clean and healthy breastfeeding areas in workplaces.

33. Guatemala had reduced its child mortality rate to 35 per 1,000 live births, which was in line with Millennium Development Goal 4. Efforts had been made over the past 20 years to stamp out malnutrition, as a result of which malnutrition-related deaths had fallen from 550 in 2008 to a little over 100 in 2017.

34. In relation to the question raised concerning the deaths of indigenous children in the municipality of Camotán, in 2013, a court of first instance had found that the right to food had been violated. In recent years, the National Secretariat for Food Security and Nutrition and the Counsel General's Office had set up a mechanism to follow up those cases. The delegation would transmit additional information in writing to the Committee on the progress made by the various institutions involved.

35. **Ms. Aldoseri** asked how the Government monitored compliance with the International Code of Marketing of Breast-milk Substitutes and whether a specific body had been established to that end.

36. **Ms. Teleguano Sincal** (Guatemala) said that the national child labour rate was 9.2 per cent and that more than three quarters of working children were from indigenous groups. A 2014 national inquiry into living conditions had shown that the six departments with the highest child labour indices were inhabited predominantly by indigenous peoples. The authorities in three of those departments were working with the respective departmental commissions for the prevention and eradication of child labour to combat the problem through an inter-institutional and intersectoral approach in conjunction with public and private bodies, NGOs and international organizations. Particular emphasis was being laid on gauging support needs, implementing the National Plan for Prevention and Eradication of Child Labour, protecting adolescent workers, strengthening inter-institutional coordination and disseminating strategies for the eradication of the worst forms of child labour. In 2017, a study conducted by the Ministry of Labour and Social Welfare on the perceptions and sociocultural meaning of child labour had demonstrated that child labour in indigenous populations was not a cultural phenomenon.

37. Ministry of Labour inspections had been carried out primarily in the agricultural and industrial sectors. The more than 3,700 inspections conducted in 2017 had revealed 37 cases of child labour; the corresponding administrative penalties had been imposed in those cases. The Public Prosecution Service had identified 79 minors, who were aged between 14 and 17 years and who were mostly mestizo, engaged in employment harmful to their well-being. As part of the National Policy on Decent Employment, various activities were conducted to support the population groups which most needed employment assistance; those groups included young people.

38. **Mr. López Rivas** (Guatemala) said that, under a policy aimed at increasing primary and secondary school completion rates, the Ministry of Education provided schoolchildren with school meals and school supplies and teachers with training and additional resources. At the primary level, special focus was placed on pupils in their first year, as studies had shown that successful completion of first grade was a key factor in preventing school dropout later.

39. Following a school census conducted in 2017 to identify children who were not attending school, school enrolment had increased by 50,000 in 2018. Among other measures, the elimination of certain administrative procedures and the automatic registration of pupils had helped improve access to primary education. At the secondary level, scholarships had been awarded to 31,000 children to enable them to continue their studies. In addition, nearly 5,000 children with disabilities living in situations of poverty had been granted bursaries.

40. **The Chair** said that she would like to know more about the situation of first-graders who did not speak Spanish and about the hidden costs of education, which often prevented parents from sending their children to school.

41. **Mr. Cardona Llorens**, noting that financial support for families of children with disabilities was of limited benefit in the absence of appropriate support services, said that he would like to know what rehabilitation and early childhood development services were available for those families.

42. **Mr. López Rivas** (Guatemala) said that a fundamental element of the programme for first-graders was ensuring that teachers spoke their pupils' mother tongues. The Ministry of Education had implemented a series of policies and programmes to increase student enrolment, identify and assist students at risk of academic failure, and ensure school retention in marginal areas. The Ministry placed particular emphasis on teacher training, given its importance to student success.

43. **Mr. Pedernera Reyna** said that he would like to know how many children were out-of-school and would welcome information on any assessments of the effectiveness of the education system.

44. **Mr. López Rivas** (Guatemala) said that approximately 1.8 million persons aged 14 to 24 were outside the education system; the number of children younger than 14 years outside the system exceeded half a million.

The meeting was suspended at 11.30 a.m. and resumed at 11.55 a.m.

45. **The Chair** said that she would be interested to know what impact the appointment of three new ministers might have in terms of levels of experience within the Government.

46. **Ms. Rodríguez Mancía** (Guatemala) said that the ministers in question were experienced and knowledgeable and would ensure policy continuity.

47. **Mr. González Díaz** (Guatemala) said that compliance with the International Code of Marketing of Breast-milk Substitutes was monitored under the food and nutrition security programme of the Ministry of Public Health and Social Welfare. A number of hospitals and health-care centres had recently been certified as breastfeeding-friendly, and several public hospitals had breast milk banks. The number of cases of underage pregnancy had fallen from nearly 95,000 in 2016 to under 91,000 in 2017. The Ministry's strategy for the prevention of teenage pregnancy took the gender perspective into account.

48. **Mr. Romero García** (Guatemala) said that the recruitment of minors into organized criminal groups was punishable by imprisonment of from 8 to 18 years under the Criminal Code.
49. **Ms. Aldoseri** asked whether a person was considered a minor until the age of 18 years.
50. **Mr. Borrayo Reyes** (Guatemala) said that the Constitution established 18 years as the age of majority.
51. **Mr. López Rivas** (Guatemala) said that the National Comprehensive Sex Education Strategy sought to prevent underage pregnancy by helping young people make informed decisions.
52. **Ms. Sandberg** asked whether children and adolescents had participated in the development of the sex education programme.
53. **Mr. López Rivas** (Guatemala) said that focus groups involving young people had been consulted to determine the topics which should be covered and the methodology which should be applied.
54. **Ms. Teleguario Sincal** (Guatemala) said that public policy on the protection of children in street situations, of whom there were some 6,000 in the country, was undergoing a significant revision. Measures which helped to break the cycle of poverty, such as the National Policy on Decent Employment, helped to reduce the number of children living in the street. The Executive Secretariat of the Committee against Drug Addiction and Drug Trafficking ran a drug prevention programme for young people at risk of living in street situations.
55. **Ms. Dávila Salazar** (Guatemala) said that, in 2016, the Supreme Court had expanded the jurisdiction of the 17 existing appellate courts to include juvenile cases. To further address the issue of juveniles in conflict with the law, training had been delivered to over 3,000 public officials and multidisciplinary teams. In more than 1,000 cases involving young people in conflict with the law, socio-educational measures had been applied as alternatives to the deprivation of liberty.
56. **Ms. Contreras Mejía** (Guatemala) said that the Social Welfare Secretariat had developed a family, community and educational reintegration project for adolescents in conflict with the law, which focused on preventing recidivism. It had recruited 141 additional monitors for the purpose and set up 21 multidisciplinary teams. The Secretariat had also established a comprehensive information technology management system on adolescents in conflict with the law and conducted assessments of the staff responsible for managing juvenile detention facilities. A project to train monitors in human rights issues would be implemented during 2018.
57. With a view to preventing overcrowding in reintegration centres, the Secretariat was coordinating, pursuant to a judicial order, with the National Secretariat for Administration of Forfeited Property (SENABED) with a view to acquiring furniture that could be used by the Sub-Secretariat for Reintegration and Social Rehabilitation of Adolescents in Conflict with the Criminal Law. There were plans to renovate in 2018 the Virgen de la Asunción shelter with the support of the Bureau of International Narcotics and Law Enforcement Affairs (INL). Further action would also be taken to renovate and improve living standards in detention facilities for adolescents.
58. A procedure had been launched to ensure that adolescents awaiting trial were held separately from those already serving sentences. Access to education was facilitated in detention centres by means of a flexible methodology. In 2017, a total of 771 young people had been enrolled at various levels of education; 48 had completed secondary education and 13 adolescents deprived of their liberty had enrolled in distance learning university courses. Recreational and handicraft activities were also organized in detention centres. In addition, vocational training courses and workshops were organized with European Union support under the Programme for Security and Justice in Guatemala.
59. **Mr. Bautista** (Guatemala) said that a total of 4,509 children and adolescents had been institutionalized in 113 homes at the end of 2017. A hundred of the homes had already

been certified by the National Adoption Council and 13 were currently being reviewed. The Council, in coordination with the Social Welfare Secretariat, regularly monitored the homes with a view to improving existing care standards.

60. Bill No. 5285 to amend the Act on the Comprehensive Protection of Children and Adolescents was undergoing a second reading before Congress. It provided for the monitoring of policies implemented by different ministries throughout the country. The national council of protection would be chaired by the Ministry for Social Development and a special institute for the protection of children and adolescents would also be established. Bill No. 5285 had been drafted in consultation with NGOs and public institutions, as well as with children and adolescents themselves.

61. **Ms. Sandberg** said that she would like to know about arrangements to support children's mental health and, in particular, to prevent suicide. She also enquired about school health-care services, such as access to nurses. She would welcome replies to the questions she had already raised regarding environmental health.

62. **Mr. Romero García** (Guatemala) said that there was no specific programme to prevent suicide. Under the Safe Schools Programme, however, 198 schools implemented substantive programmes comprising three modules which sought among other things to bolster students' self-esteem and self-confidence, to reduce their vulnerability to peer pressure and to prevent suicide.

63. **Mr. López Rivas** (Guatemala) said that the education system did not provide for a mental health programme. However, teachers, counsellors and psychologists in educational establishments endeavoured to develop students' self-esteem.

64. An environmental education strategy had been developed and was implemented jointly by the Ministry of Education and the Ministry of Environment and Natural Resources. The Ministry of Education organized reforestation, recycling and cleaning days as well as intensive teacher training programmes.

65. **Ms. Guzmán Loyo** (Guatemala) said that Congress had approved the establishment of a genetic database of sex offenders for forensic purposes and a national register of sex offenders in 2017. The bill had been proposed by the Public Prosecutor's Office and presented by the Supreme Court of Justice. It had been approved in November 2017 and had entered into force in December 2017. The DNA of convicted sex offenders and their location and employment would be recorded, and they would not be permitted to work with children or adolescents. Persons who had not been convicted would be issued with a certificate by email so that they had access to employment with children or adolescents. A total of 5,645 convicted offenders, of whom 98 per cent were men, had initially been included in the database. Action had been taken against 33 teachers in educational establishments who had been identified as convicted sex offenders.

66. **Ms. Skelton** said that she welcomed the establishment of the register of sex offenders. Noting that some sex offenders were children, she asked whether the law differentiated between offenders who were under the age of 18 and older offenders.

67. **The Chair** asked whether sexual intercourse between children, for instance a 14-year-old girl and a 15-year-old boy, was viewed as a sexual offence in the State party. She also requested information regarding arrangements for leisure and recreational activities for children and adolescents in a safe environment in urban and rural areas.

68. **Mr. López Rivas** (Guatemala) said that various ministries and directorates organized recreational activities involving, for example, arts and crafts, music, sports and traditional games. For example, the Ministry of Culture and Sports ran community art academies to help children to develop their skills in an extracurricular environment. Local municipalities had also developed diverse facilities to promote arts and crafts, recreation and entertainment for young people. The natural environment in rural areas attracted a large number of tourists. Schools had free access to such areas and the Ministry of Culture and Sports built many sports centres for young people. However, a more comprehensive plan for recreational activities should be developed.

69. **Mr. Romero García** (Guatemala) said that the Ministry of the Interior had been implementing a preventive strategy aimed at protecting children and adolescents through preventive committees in 202 of the 340 municipalities. Action was taken to identify public areas that could serve as protected locations for recreational activities and for development of the identity of local communities. During 2016 and 2017, the Ministry had developed 80 municipal preventive policies and programmes. A programme would shortly be launched to develop public areas for community gardening, sports and other recreational activities in Guatemala City with a view to improving living conditions, especially for children and adolescents.

70. **Ms. Ayoubi Idrissi** enquired about recreational facilities on behalf of vulnerable groups, particularly young people who were deprived of their liberty and children with disabilities. She asked what measures were taken to promote the reintegration and rehabilitation of child victims of sexual violence. She also enquired about procedures for ensuring confidential access for children to the independent monitoring mechanism.

71. **Ms. Aho Assouma**, noting that some 91,000 cases of early pregnancy had been recorded in 2017, asked whether steps were being taken to render the preventive programme run by the Ministry of Education more effective. She wished to know whether girls who were pregnant could continue to attend school, whether they could seek support, and whether abortion was authorized and safe. She enquired about the prevalence of HIV/AIDS and asked whether mother-to-child transmission of HIV was investigated in the case of pregnant women. She asked whether underage employees, especially indigenous children, could be removed from their jobs.

72. **Mr. Gastaud** asked whether school programmes allocated sufficient time for recreational activities, and whether teachers and families had been alerted to the need to reserve sufficient leisure time for children who performed domestic chores.

73. **Ms. Aldoseri** asked whether all offences under the Optional Protocol on the sale of children, child prostitution and child pornography had been explicitly criminalized.

74. Noting that 159 children had disappeared after the fire at the Virgen de la Asunción shelter, she asked whether the authorities had recorded any cases of children who had been trafficked or forced into prostitution.

75. She enquired about action taken to prosecute paedophiles who had been employed as volunteers in institutions for juveniles. She had been horrified by an advertisement on the Internet inviting volunteers from the United States to come and sleep with children in the State party.

76. **Mr. Borrayo Reyes** (Guatemala) said that the delegation would shortly provide written answers to the questions just raised.

77. **Mr. Pedernera Reyna** encouraged the State party to disseminate the Committee's concluding observations and recommendations as widely as possible, including to children in their diverse mother tongues.

78. **Mr. Borrayo Reyes** (Guatemala) said that he wished to thank the Committee for the fruitful interactive dialogue. The self-assessment exercise had demonstrated that, notwithstanding the action taken by his country to promote children's rights, major challenges persisted. He assured the Committee that Guatemala was prepared to accept its recommendations, which would doubtless bolster its action in that regard.

79. **The Chair** said that UNICEF had offered to assist in translating the concluding observations and recommendations into the diverse languages of the State party.

The meeting rose at 12.50 p.m.



Convention on the Rights of the Child

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Committee on the Rights of the Child Seventy-seventh session

Summary record of the 2258th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 January 2018, at 3 p.m.

Chair: Ms. Winter

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Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Panama

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Combined fifth and sixth periodic reports of Panama (CRC/C/PAN/5-6; CRC/C/PAN/Q/5-6 and CRC/C/PAN/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Panama took places at the Committee table.*
2. **Ms. Cárdenas** (Panama) said that, although challenges and obstacles remained, Panama had made progress in effectively implementing the Convention on the Rights of the Child and the three Optional Protocols thereto and had brought its national law into line with international human rights standards. Public policies, plans, programmes and services had been redefined with a view to realizing children's rights, based on the principle of the best interests of the child. The Government was committed to attaining the Sustainable Development Goals and to that end had formulated the "One Country" Strategic Plan 2015–2019, comprising six strategic areas and an investment plan of US\$ 22 billion. It had initiated a process of national ownership of the Goals by strengthening its partnerships with citizens, the business sector and civil society organizations, and had set up an inter-agency committee involving the participation of civil society with a view to implementing the 2030 Agenda for Sustainable Development.
3. Significant advances had been made in relation to the well-being of children and adolescents, as well as their families, through the creation and strengthening of new social institutions for promoting and protecting their rights. The aim was to build a coordinated system of guarantees and comprehensive protection for the rights of children and adolescents, covering universal, social, special and judicial protection and assigning responsibilities and resources within a multi-year planning framework in which government institutions, civil society, communities and families worked together to achieve shared goals. In the area of child protection, a national deinstitutionalization committee comprising representatives of civil society and government institutions had been set up to devise measures for protecting children and adolescents in situations of vulnerability and risk.
4. The Government had also strengthened intersectoral coordination under the National Strategy for the Prevention of Violence against Children and Adolescents. Opportunities for children's participation had been created to ensure that their opinions and proposals were taken into consideration in the process of building citizenship. For the first time, the Government of Panama had established a formal, permanent mechanism for consulting children and adolescents on the concluding observations of the Committee on the Rights of the Child.
5. With regard to the eradication of child labour, Panama had managed to reduce the number of child workers by one quarter over an eight-year period and was building a platform to tackle child labour with the participation of local authorities and civil society. A master plan for child and adolescent health care for 2016–2025 had been incorporated into the national health policy and the strategic plan for the health sector for 2016–2020. The principles underpinning the plan were the rights-based approach, equitable treatment, a child-, family- and community-centred approach, respect for cultural diversity, a gender perspective and social participation.
6. The Government was redoubling efforts to ensure that all children and adolescents had equal-opportunity access to free, inclusive education. Improving education quality was a priority, in line with Sustainable Development Goal 4. A range of projects were being implemented, including My School First, the eradication of shack classrooms, Bilingual Panama, Maximum Learning, and an extended school day for all students. Progress had been facilitated by the expansion of social protection coverage for the most disadvantaged groups and by the commitment to increased investment in education. A dialogue on the national commitment to education was under way as a means of defining State policy in that area.
7. Peace, tolerance and respect were the pillars of the country's growth and development. The economy had expanded steadily; the authorities hoped that the 5.6-per-

cent growth experienced in 2017 would be maintained in 2018. The Government was committed to channelling its resources towards initiatives to guarantee the best interests of the child, non-discrimination, and child survival, development and participation.

8. **Mr. Cardona Llorens** (Country Rapporteur) said that the State party was to be commended on the progress it had made since its previous dialogue with the Committee, including the ratification of the third Optional Protocol to the Convention and the implementation of an anti-poverty strategy. Welcoming the recent submission of the country's initial report under the Optional Protocol on the involvement of children in armed conflict, he pointed out that its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography, which had been due in 2003, remained outstanding. The Committee hoped to be able to review both reports simultaneously as soon as possible.

9. Noting that Panama was one of the only countries in the region that did not have a comprehensive law on the rights of children and adolescents, despite the proposal of various bills over the last 10 years, he asked when such a law was expected to be enacted and what obstacles were delaying the process. Thus far, the State party had adopted only partial plans that emphasized child protection rather than a rights-based approach. Similarly, he wished to know when a comprehensive strategy on children's rights would be unveiled and whether it was contingent upon the adoption of the law. Were there any plans to create a coordination mechanism at a higher level than the Ministry of Social Development?

10. The Committee was concerned that children did not seem to be a priority in public policy and that, as recognized in paragraphs 19 to 22 of the State party's report (CRC/C/PAN/5-6), there was no clear budget for children. The delegation should indicate what steps would be taken to remedy that situation and when child-responsive budgeting would be introduced. Given that a functioning data-collection system had still not been established, he wondered how the Government was able to design policies for children. He would welcome clarification of whether the children's rights unit of the national human rights institution had the necessary material and human resources to fulfil its mandate and establish a child-friendly complaints mechanism.

11. He would like to hear more about the dissemination of the Convention: was it taught in schools, did university training for lawyers, doctors, teachers and other professionals who came into contact with children include instruction on the Convention, and were there public awareness campaigns for parents and children, including the indigenous population? With regard to cooperation with civil society, the delegation might comment on what was done to prevent conflicts of interest in the decisions of some institutions in respect of children deprived of parental care, particularly when organizations that provided services to such children were involved in the decision-making. The delegation should also explain what measures were taken to ensure that children were included in consultation processes with indigenous communities in relation to legislative or administrative decisions that affected them and that activities in the electricity, mining, agro-industry and tourism sectors did not have a negative impact on children's rights. He would like to hear more about what was being done to prevent sexual exploitation and child sex tourism.

12. While welcoming the decision to increase the minimum age for marriage to 18 years under article 35 of Act No. 30, he requested clarification of article 36, according to which marriages entered into in violation of article 35 were valid, subject to certain rules of a financial nature. He would also like to know whether unregistered forced marriages continued to take place in indigenous areas. The Committee remained very concerned about persistent discrimination against indigenous and Afrodescendent children; children with disabilities; lesbian, gay, bisexual, transgender and intersex children; and adolescents, among others. It would welcome information on efforts to end such discrimination and lift the curfew on adolescents.

13. He would be grateful for details of the number and location of the child and adolescent advisory councils and any efforts to expand them. Noting that the bills on adoption and fostering provided for the participation of children in administrative proceedings, he wondered whether that meant that until those bills were adopted, the views of children would not be taken into account in such processes. He would welcome

clarification concerning the evaluation of victims of sexual abuse to establish whether or not they could testify. In light of the alarmingly high rates of violence against children, he would be interested to hear about the results of the National Strategy for the Prevention of Violence against Children and Adolescents and the resources available for its implementation. Lastly, he asked how the State party had followed up on the recommendation by the Committee on the Rights of Persons with Disabilities that "safe havens" should not be used as a long-term solution.

14. **Ms. Skelton** (Country Rapporteur), welcoming the progress made in birth registration, particularly in indigenous areas, said that she would like an update on the situation since 2015 and details of how the system for the birth registration of migrant children was working in practice. Noting that national identity cards, which must be carried at all times, were issued to all children over the age of 12, she asked what happened if an adolescent lost his or her card and whether a child could be taken into police custody for failure to carry an identity card. The delegation should comment on the situation in relation to freedom of expression and association, including reports that the right to form student groups had been withdrawn. The curfew for minors was clearly a breach of the right to freedom of association and movement, not only under international law but also under the Panamanian Constitution. Given reports that the efficacy of the curfew was in doubt and the fact that adolescents made up only a very small percentage of those committing crimes, she asked how the Government justified maintaining the curfew. Since 2015, some 13,000 children and adolescents had been detained as a result of the curfew; if their parents failed to pay the relevant fine, they were detained overnight. She asked the delegation to comment on that situation and on the road map drawn up by Alianza Ciudadana Pro Justicia based on its assessment of the curfew.

15. **Mr. Lumina** asked whether the Government carried out regular analyses to assess the extent to which children benefited from initiatives funded by budget allocations and to ensure that those allocations were consistent with the State party's obligation of non-discrimination. He enquired what measures were taken to ensure that provincial and local government funds were used in accordance with the State party's human rights obligations; that funds were allocated in the most efficient manner to enhance children's rights; and that money was not being wasted through poor procurement practices.

16. **Mr. Nelson** said that, although the State party had stated that it had no comprehensive system for the collection of data on violence against children, it had nevertheless provided data on child abuse and neglect. He wondered how data of that kind were collected and whether the figures provided were reliable. In the light of reports that the National Intersectoral Committee for the Prevention of Violence against Children and Young Persons had never actually met to discuss the development of a national strategy to prevent such violence, he wished to know whether there were plans to organize a meeting of that Committee and, if so, when. He also wondered whether that Committee had the necessary resources to carry out its functions.

17. He asked whether the helplines mentioned in the State party's report were operational around the clock and, if not, whether there were plans to extend their operating hours. He also wished to know whether helpline staff received any training and what measures had been taken to ensure that children were aware of the existence of those helplines.

18. With reference to paragraph 113 of the State party's report, he enquired whether the bill to professionalize the prison service had been passed and implemented. Lastly, he invited the delegation to comment on reports that harmful practices, such as female genital mutilation and cohabitation of young girls and older men, persisted in certain communities and to explain what steps had been taken to combat those practices.

The meeting was suspended at 3.50 p.m. and resumed at 4.15 p.m.

19. **Ms. Cárdenas** (Panama) said that the bill to establish a system of guarantees and comprehensive protection for the rights of children and young persons had been approved by the Council of Ministers on 16 January 2018. Progress had also been made towards the approval of a public policy document on the protection of children's rights by the Social

Affairs Office. Bills Nos. 536 and 537, on adoption and foster care, respectively, were currently in their first reading.

20. Multidimensional poverty indicators had been developed in order to assess child poverty; policy changes would be made on the basis of those indicators, in consultation with children. A national plan to eliminate poverty was being implemented, in accordance with Sustainable Development Goal 1.

21. Various social inclusion programmes were under way, such as the "Guardian Angel" cash transfer programme for persons with disabilities, which had benefited over 18,000 people in 2017, of whom 32 per cent were children or adolescents, and the "Opportunities Network" poverty reduction programme, which had benefited over 50,000 households in 2017, including over 26,000 households in indigenous regions. Thanks to the Government's efforts, some 109,000 people, including more than 56,000 children, had managed to escape from poverty over the previous five years.

22. **Mr. Cardona Llorens** said that he did not see why the State party needed to pass legislation on the protection of child rights before it could develop a strategy in that area.

23. **Ms. Cárdenas** (Panama) recalled that, in addition to the bill on a comprehensive system to protect child rights, a public policy document on that subject had been drafted and submitted to the Social Affairs Office for approval.

24. **Mr. Diéguez** (Panama) said that the national budget was managed in accordance with international standards, including the System of National Accounts. Between 2010 and 2017, social spending had increased by 71 per cent and social spending per capita had increased by 53 per cent. The majority of social expenditure was allocated to health, education and culture, and employment and social security. The Ministry of Economic Affairs and Finance was taking steps to identify the budget lines relating to children and adolescents within the national budget so as to quantify the State's efforts in that regard. In 2017, an estimated 20 per cent of social spending had been allocated to programmes for children and adolescents.

25. Child and adolescent advisory councils had been established to further the participation of children and adolescents in local decision-making. Municipalities sought bids for local projects under a procurement process that was as transparent as possible. As civil society was represented on the boards of directors of the public entities that carried out programmes for children and adolescents, it also took part in decision-making on the relevant projects and budgets. At the national level, the first readings of budget proposals in the National Assembly were open to the public.

26. Regarding impact assessment and non-discrimination, the Ministry of Economic Affairs and Finance had an office of economic and social analysis that evaluated programmes and budgetary allocations in the area of social spending. As the poverty rate had ceased to decline since 2015, the Government was focusing its resources on the poorest areas of the country, including indigenous areas. It had launched a number of initiatives to address regional disparities, including the "Internet for All" project, whereby all schools would be equipped with Internet access.

27. **Mr. Cardona Llorens** asked what measures had been taken to promote transparency and combat corruption, in order to ensure that funding for child-related projects was not diverted elsewhere.

28. **Ms. Cárdenas** (Panama) said that the multidimensional poverty index was used to ensure that resources were spent on initiatives to support the most vulnerable groups. Procedures had been established to combat corruption and to prevent the misuse of funds.

29. A number of initiatives had been organized to raise awareness of children's rights, including a television and radio campaign aimed at parents of children under 6 years old, which emphasized the importance of good nutrition and mental stimulation. Campaigns had also been carried out to combat child labour, violence against children and sexual exploitation of children.

30. **Ms. de la Guardia** (Panama) said that the Government recognized the challenge of bringing the juvenile justice system into line with the Convention and other international

guidelines; it strove to guarantee that punishments imposed on adolescents in conflict with the law fully respected their rights and allowed for their effective social reintegration. In that context, the authorities were engaged in reforming the prison system by strengthening institutions, professionalizing prison staff, improving prisoners' living conditions and strengthening rehabilitation and social integration. A strategic plan setting out objective parameters for the measurement of progress and achievements had been adopted, and results-based management was being introduced. An information system had been developed for the systematic recording of data pertaining to adolescents in custody.

31. The first phase of a census of adolescents in conflict with the law had been completed in December 2017; over 650 adolescents to whom custodial or non-custodial measures had been applied had been interviewed. Analysis of the findings would be completed in early 2018 and would assist in the formulation of evidence-based public policies. Furthermore, a comprehensive intervention model had been developed, including the use of non-custodial sentences and the standardization of criteria for evaluating progress in the resocialization process. Implementation of the new model was expected to commence in February 2018.

32. The Government was making progress on a pilot programme for the treatment of substance abuse and addiction at the Pacora juvenile prison. It had also adopted a legislative amendment to restore the option of allowing adolescents who reached the age of majority to complete their sentences in specialized transition centres, as recommended by the Committee. The first such centre was under construction and due to open in June 2018.

33. **Ms. Cárdenas** (Panama) said that, thus far, two child and adolescent advisory councils, one in the Province of Colón and one in the District of San Carlos, had been established for 9- to 17-year-olds. A further council would shortly be established in the Province of Panamá. The councils ensured that young people's views and proposals were taken into account in the plans, projects and programmes carried out by municipal councils.

34. **Mr. Cardona Llorens** said that he would like to know what incentives were provided to encourage municipalities to set up child and adolescent advisory councils. He also wondered whether children and adolescents effectively participated in administrative proceedings, as envisaged under the new General Adoption Act.

35. **Ms. Cárdenas** (Panama) said that the mechanism whereby municipalities could establish child and adolescent advisory councils was still being developed. Municipalities that received funding under the Decentralization Act would be evaluated by the National Secretariat for Decentralization to determine whether their projects took children's views into account. All proposed projects to be carried out with decentralized funds were subject to a public consultation in which representatives of the child and adolescent advisory council participated.

36. The State guaranteed that children's voices were heard throughout administrative processes such as those concerning adoption and placement in temporary care. In protection processes that followed complaints of ill-treatment or abuse, interdisciplinary teams provided children with support and listened to their views from the outset of the investigation. The Government also ensured that children with disabilities were able to participate in administrative and legal proceedings, inter alia by providing sign language interpreters and training officials in sign language.

37. **Mr. Ramírez** (Panama) said that the Government was alarmed by the possibility that female genital mutilation might be practised among the indigenous population. While the relevant authorities had not received any reports of such cases in recent years, the Government had taken note of the indication, on the United Nations website, that the practice existed among the Emberá indigenous group living on the west coast of Colombia. Given that there were also Emberá communities in Panama, he believed that the matter should be investigated. The delegation would be keen to examine any specific information that civil society had provided to the Committee.

38. **Ms. Cárdenas** (Panama) said that the National Intersectoral Committee for the Prevention of Violence against Children and Adolescents had developed a national strategy for the prevention of such violence. It had organized a national forum on the topic and had

conducted a diagnostic study of the situation concerning violence against children and adolescents in the Provinces of Chiriquí, Colón and Panamá. As part of the participatory process of developing the national strategy, several workshops on different topics had been held with children and adolescents in different parts of the country. The strategy incorporated the perspectives of rights, equity, life cycle, gender, inclusion and interculturalism and focused on the areas of family, school, community, society and information. It was currently awaiting validation.

39. As mentioned in the report, the line 147 helpline was operational during daytime hours. Other helplines that catered to children and adolescents included those of the Juvenile Police and the Young Persons Section of the Judicial Investigation Directorate. Meanwhile, the citizens' helpline, 311, was operational 24 hours a day every day of the year. Children could use the 311 line to report situations of ill-treatment and be referred immediately to the relevant social or protection authority.

40. **Ms. Sandberg** said that she would appreciate confirmation that line 147 was a child-friendly helpline. As the 311 line was not specifically designed for children, she expected that children would be less likely to use it.

41. **Ms. Cárdenas** (Panama) said that further information concerning the 311 line would be provided in due course. Line 147 was indeed specifically aimed at children.

42. **Ms. Skelton** said that she had not received a satisfactory response to her question on curfews, which restricted children's freedom of movement and freedom of association. She wished to know what prevented the State party from abolishing such measures, which clearly infringed children's rights.

43. **Ms. Cárdenas** (Panama) said that the Government recognized that adolescents who were detained for breaking curfew often experienced difficult family circumstances or situations of risk that required a comprehensive response. Accordingly, the National Secretariat for Children, Adolescents and the Family and the Ombudsman's Office had recently advised all provincial governors that curfews were a violation of the rights of the child and that children in difficult situations should be referred to family strengthening programmes. Provincial governors had been given the opportunity to participate in awareness-raising and capacity-building on the rights of children and adolescents, while the United Nations Children's Fund (UNICEF) had provided technical assistance to the authorities with a view to enhancing the family strengthening programme.

44. **Mr. Cardona Llorens** said that during the State party's previous dialogue with the Committee, and on each of his three visits to Panama, he had received assurances from government officials that they would work to repeal the curfew laws. He did not understand how Panama, as a State governed by the rule of law, could continue to allow such measures while recognizing that they violated children's rights. The curfews stigmatized adolescents by perpetuating the idea that young people were dangerous, and in practice they were only applied in poor and marginalized neighbourhoods.

45. **The Chair** said that she too had visited Panama and that she agreed that the curfews not only were stigmatizing, but also blatantly discriminated against children in poor districts and did not address the root causes of the problems faced by such children. She wondered whether political considerations had contributed to the State party's failure to make progress on the issue.

46. **Ms. Cárdenas** (Panama) said that in their efforts to ensure that children's rights were respected, the national authorities focused on raising awareness among their provincial and municipal counterparts. The aim was to bring about the repeal of local regulations or decrees that did not allow children to exercise their rights.

47. **The Chair** recalled that one Committee member had asked about cohabitation between young girls and older men, and specifically whether it was common for young girls who lived with older men to be abandoned when they became pregnant or gave birth; if so, she would like to know whether any assistance was available to such abandoned girls and their children.

48. **Ms. Cárdenas** (Panama) said that Act No. 29 of 2002, on pregnant minors, had been amended by Act No. 60 of 30 November 2016 with a view to combating teenage pregnancy more effectively. The National Council on Care for Adolescent Mothers, which brought together representatives of the Government and civil society, had been established pursuant to Act No. 60. Strategies for the prevention of teenage pregnancy were being developed with technical assistance from international partners.

49. **Ms. Ayoubi Idrissi** said that she wished to know what steps the State party was taking to combat forced extramarital cohabitation, which often involved girls in rural areas.

50. **Ms. Skelton** said that she would welcome an update on the number of children living in institutional homes in the State party. As many children were institutionalized for social and economic reasons, she wondered what support, including financial support, was available to families that wished to take their children back. It would be interesting to learn whether the authorities were seeking the resources that would enable them to expedite the deinstitutionalization process. In addition, she asked whether foster care was a component of the authorities' efforts to ensure that children were provided with protection and care and, if so, whether it included care provided to children by members of their extended families.

51. She also wished to know what plans had been made to expedite the issuance of permits for shelters and other such facilities and why the Government's plan to conduct regular oversight visits concerned only shelters run by non-governmental organizations. In that connection, she asked why it was taking so long for the oversight mechanism to come on stream, what plans had been made to ensure that it operated independently and whether it had a budget of its own. She also asked whether children in shelters could file complaints directly with the Ombudsman's Office.

52. The delegation should provide more information about the bill on adoption currently before the National Assembly. She wondered why the country's lawmakers were introducing new legislation on the subject when such legislation had just been adopted in 2013. In addition, the delegation should indicate whether the protocol for dealing with cases of international child abduction mentioned in the State party's periodic report had been drawn up and, if so, what procedures it would involve.

53. The construction of units for mothers and their children in the country's new prisons was a welcome development. She wondered, however, whether there were any laws or legal precedents that would allow convicted persons providing care to children to serve non-custodial sentences.

54. She would welcome a comment on reports that primary education was becoming less accessible to children in a number of rural areas. She likewise wondered whether reports that school dropout rates were increasing were accurate and, if so, what plans had been made to reverse that trend. It would also be interesting to know whether the education authorities took any steps to assist children after they had dropped out.

55. She wished to know whether the Government had identified the reasons behind the poor quality of the education on offer in the Panamanian school system, which, according to international and regional assessments, was underperforming. In that connection, she asked why Panama, which had participated in previous cycles of the Programme for International Student Assessment, in which it had performed badly, had not participated in the most recent cycle and whether it intended to participate in the next one. What could be done to ensure that the conditions in higher-performing schools could be replicated in underperforming ones?

56. She would welcome an indication of how long it would take to replace the more than 250 shack classrooms in the Ngäbe Buglé indigenous region with proper schools. As the number of schools would be smaller than the number of shacks they replaced, she wondered what the consequences for travel to school would be. In view of reports that improvised shelters were being built for rural schoolchildren, she wished to know whether the authorities had made any plans to provide such children with school transport or proper boarding facilities. She also wished to know whether reports that impassable rivers prevented children from attending school were accurate and whether it was true that Panama spent only 3.3 per cent of its gross domestic product on education.

57. Regarding children in the justice system, it was disappointing that the State party had not acted on the Committee's recommendation to raise the minimum age of criminal responsibility, which had been lowered to 12 in 2010. She would welcome statistics corroborating the State party's assertions that most sentences handed down to minors in conflict with the law were of a social and educational nature. It was troubling that more such minors were not offered alternatives to judicial proceedings. Lastly, she asked whether children were entitled to free legal aid, whether juvenile detention facilities were still overcrowded, why efforts were not made to foster community-based reintegration for persons who were released from such facilities on turning 18 and what special measures had been taken to enable child victims or witnesses of sexual offences to give evidence.

58. **Mr. Cardona Llorens** asked whether the State party planned to develop policies for the advancement of children with disabilities that cut across all relevant areas, including health, education, access to recreational and cultural activities and housing. He wondered what efforts were being made to train teachers to work with students with disabilities, how much was invested in providing reasonable accommodation to students with disabilities, including by recruiting teachers' aides and making changes to curricula, and how the inclusion of children with disabilities in one-room schools worked. In addition, he wished to know how health personnel were trained to attend to children with disabilities and what specific benefits, other than cash transfers, were available to the families of such children.

59. Infant mortality rates were relatively high in some areas of the State party. He therefore wished to know what efforts, including monetary investments, were being made to improve prenatal and postnatal care. In addition, he wondered what was being done to provide sex education to students as a means of reducing the rising rate of teenage pregnancy. Were steps being taken to give adolescents information about contraception and to prevent pregnant girls from being forced to drop out of school? He also wished to know whether adolescents could ask to be tested for HIV without their parents' knowledge, whether efforts were made to prevent mother-to-child transmission of the virus and whether antiretroviral therapy was widely available. In addition, he asked whether children and young people had access to information about and treatment of human papilloma virus infections. Lastly, he wondered what efforts the State party had made to lower the proportion of households in extreme poverty, which had remained stubbornly high despite years of robust economic growth.

60. **Ms. Aho Assouma** said that she wished to know whether an initiative launched in 2017 had led to an increase in the small percentage of infants who were fed nothing but breastmilk. It would be especially interesting to know why that percentage was lower in rural and indigenous areas.

61. She asked whether there were special mental health services for child victims of sexual and other forms of abuse and rehabilitation services for children who were users of illegal drugs. Could children who abused drugs be referred to treatment facilities instead of being sent to detention centres?

62. **Mr. Rodríguez Reyes** asked whether the "Basic Sanitation: 100 Per Cent Safe Drinking Water/Zero Latrines" programme focused on rural areas, as the Committee had received reports that people in Capira District had no access to safe drinking water. The delegation should indicate whether there was a plan to ensure that such access was provided. In addition, he wondered whether the State party intended to participate more actively in the Baby-Friendly Hospital Initiative and allocate additional resources to the National Commission for the Promotion of Breastfeeding. Lastly, he would welcome more information on the mental health services available to children.

63. **Mr. Mezmur** said that he wished to know whether the State party was making efforts to develop a child-sensitive inter-agency process for the determination of refugee status. It would be interesting to know what was being done to develop protocols for the identification of minors in need of international protection. He wondered whether requiring beneficiaries of the Universal Grant Programme to have lived in Panama for at least 10 years was discriminatory, why the authorities had reversed the decision to make refugee and asylum-seeking children eligible for a number of scholarship programmes and what measures had been taken to combat xenophobic violence against children. He would also

like to know what efforts were made to help migrant families with children who found themselves stranded on their way through Panama.

64. Lastly, he would welcome an update on the efforts made by the State party to combat child labour. An indication of the budget for the monitoring activities of the Directorate to Combat Child Labour and Protect Adolescent Workers would be especially welcome.

The meeting rose at 6 p.m.



Convention on the Rights of the Child

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Summary record of the 2259th meeting

Held at the Palais Wilson, Geneva, on Thursday, 18 January 2018, at 10 a.m.

Chair: Ms. Winter

Contents

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Panama (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (continued)

Combined fifth and sixth periodic reports of Panama (continued) (CRC/C/PAN/5-6; CRC/C/PAN/Q/5-6 and CRC/C/PAN/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Panama took places at the Committee table.*
2. **Ms. Rudy Arellano** (Panama) said that the Government, in cooperation with the Inter-American Children's Institute, was taking part in a project known as "Conectad@s", the aim of which was to teach children how to safely navigate the Internet. In that connection, it was also setting up an intergenerational network to spread knowledge about safe Internet use.
3. While Panama had not made further progress in developing a protocol for the restitution of rights in cases of international child abduction, various government bodies had expressed an interest in doing so. In addition, the National Secretariat for Children, Adolescents and the Family participated in regional forums under the auspices of the Inter-American Children's Institute to discuss best practices for the involvement of children and adolescents in policymaking. The Government also participated in a regional alliance for the strengthening of child protection systems and in the Liaison Officer Network for the Protection of Migrant Boys, Girls and Adolescents, which was coordinated by the Regional Conference on Migration.
4. **Mr. Moreno** (Panama) said that, according to an opinion issued by the Administrative Attorney General's Office in August 2016, officials authorized to perform marriages were not allowed to do so in cases where one or both of the parties were under the age of 18, and the Civil Registry was not required to register such marriages.
5. The Ministry of Social Development oversaw the execution of social policies by specialized entities such as the National Secretariat for Children, Adolescents and the Family and ensured the participation of non-governmental organizations (NGOs) and civil society in related decision-making processes. It also coordinated the Social Affairs Office, an interministerial consultative body on social policy. Specific examples of the Ministry's work included the coordination of poverty eradication efforts under the "Panama 2030" plan for the attainment of the Sustainable Development Goals, and the recent drafting of a bill for the establishment of a system of guarantees and comprehensive protection for the rights of children and adolescents.
6. **Mr. Cardona Llorens** (Country Rapporteur) said that he wished to have further clarification on the apparent contradiction within the Family Code, as amended by Act No. 30 of 5 May 2015. Whereas article 35 of the Code stated that the marriage of individuals under 18 was prohibited, article 36 appeared to imply that such marriages were valid, subject to certain conditions.
7. **Mr. Rodríguez Reyes** said he understood that registrars were not obliged to register marriages involving minors. Did that mean that such marriages could still take place unofficially?
8. **Ms. Cárdenas** (Panama) said that there was indeed a contradiction between articles 35 and 36 of the Family Code and that the Ministry of Social Development had accordingly proposed an amendment to article 36. In any case, marriages involving minors were not recognized and could not be registered.
9. **Mr. Diéguez** (Panama) said that while the system of indicators for children, young persons and women in Panama was not currently operational because of a change of platform, the National Statistics and Census Institute continued to compile and publish data on children and adolescents on its website. In addition, national censuses were conducted every 10 years and household surveys twice a year.
10. Between 2006 and 2016, some 173,000 citizens, including 77,000 children and adolescents, had been lifted out of extreme poverty, representing a reduction of extreme poverty by 7.7 percentage points, owing in part to the reorganization of the social

protection system. However, as poverty had declined more slowly in the last few years, in 2017 the Government had launched the multidimensional poverty index to help better coordinate public policies and improve the allocation of funding to the neediest areas of the country.

11. Under the Government's draft general budget for 2017, 5.3 per cent of gross domestic product was allocated to education. Public social expenditure for the same year had amounted to US\$ 8.7 billion, of which US\$ 2.3 billion had been devoted to education, compared with US\$ 1.6 billion in 2013.

12. Panama was a signatory to both the Inter-American Convention against Corruption and the United Nations Convention against Corruption and had established an anti-corruption prosecutor's office. Furthermore, the Government was implementing legislation on transparency in public administration, access to information, ethics within the civil service and transparency and efficiency in public procurement.

13. **Ms. Skelton** (Country Rapporteur), while acknowledging the increase in funding for education, said that she was concerned to note that a large proportion of those funds had been earmarked for infrastructure, which, although important, was unlikely to vastly increase the quality of education. Should there not be a separate budget for infrastructure?

14. **Ms. Cárdenas** (Panama) said that the Government would take Ms. Skelton's comments into consideration. Infrastructure projects were budgeted for with due regard to poverty indices and, through the Social Affairs Office, an effort was being made to refocus spending on children and adolescents.

15. **Ms. Córdoba** (Panama) said that the National Secretariat for Children, Adolescents and the Family made constant efforts to raise awareness of the Convention on the Rights of the Child. It held workshops, seminars and information sessions for children and adolescents, teachers, government officials and other target groups. The Higher Institute of the Judiciary provided specialized training with a particular focus on the Convention and access to justice. Government publications on the justice system included a training manual for judicial officials on the application of international conventions for the protection of children's rights, as well as practical guides for the general public.

16. **Mr. Gastaud** said that he welcomed the State party's efforts to increase awareness of the rights enshrined in the Convention but wondered whether any mechanism was in place to measure such awareness among both children and those who worked with children.

17. **Ms. Cárdenas** (Panama) said that analyses had been carried out as part of the Government's efforts to coordinate social policy and training under a single national plan.

18. **Ms. Quiel Canto** (Panama) said that while there was no national system for the collection, analysis and dissemination of statistics on violence against children, the judicial administration system kept statistical records of complaints and proceedings, which could be accessed via the websites of the Public Prosecution Service and the judiciary.

19. Act No. 60 of 2016 provided for the establishment of a normative framework to protect the rights of pregnant minors. To that end, an inter-agency road map had been devised and training had been provided to enhance the technical expertise of professionals who dealt with pregnant minors. The Secretariat for the Protection of Victims, Witnesses, Experts and Other Participants in Criminal Proceedings had a comprehensive system for the protection of victims of offences against sexual freedom. Panamanian criminal law also provided for compensation and redress at the request of a victim's legal counsel.

20. **Ms. Nieto** (Panama) said that Panama did not issue work permits to children under the age of 15 years who had not completed compulsory schooling; however, children aged 14 years who had completed compulsory schooling were permitted to work under supervision. Article 125 of the Labour Code set out fines for employers that failed to respect those rules; the fines had recently been increased through the adoption of Act No. 59 of 12 September 2017.

21. The Directorate to Combat Child Labour and Protect Adolescent Workers had adopted three new tools with which to conduct its supervisory activities: a child labour monitoring system, procedures for addressing cases of child labour, and municipal

strategies for eradicating the phenomenon. The Directorate, which received technical assistance from international NGOs, had an annual budget of approximately US\$ 940,660,000. In addition, resources were made available under the 2015–2019 road map for making Panama child labour-free.

22. **Ms. Aho Assouma** said that she would like more information on the provisions of the law to protect pregnant girls and on the kind of support that was currently available to them. She also asked whether safe abortion was available in cases of rape and incest and whether girls with obstetric fistula received proper treatment.

23. **Mr. Kotrane** said that the penalties imposed for child labour were often insufficient to have a deterrent effect. There was, moreover, a problem of inconsistency between the relevant provisions of domestic legislation and the corresponding international conventions which the State party had ratified. For example, the minimum age for employment established in the Constitution was not in compliance with the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

24. **Ms. Cárdenas** (Panama) said that the right of pregnant girls to education was among the rights protected under Act No. 60, which also provided for measures for the prevention of teenage pregnancy. Most importantly, it established the National Council on Care for Adolescent Mothers, which helped to ensure that pregnant minors had access to comprehensive care and services.

25. **Ms. Nieto** (Panama), acknowledging the inconsistencies in child labour laws, said that the issue had been under discussion by the Committee for the Eradication of Child Labour and the Protection of Adolescent Workers. ILO had provided the Government with guidance and there were plans to take action on the matter in 2018. Under the Labour Code, children as young as 12 years old could work in the agricultural sector, but they were required to have authorization from the Ministry of Labour and were not allowed to engage in activities identified as dangerous. The more precise definition of such activities had facilitated the work of labour inspectors. As part of its effort to ensure that children completed their education, the Government had increased the fines imposed for child labour and had stepped up labour inspections. The child labour rate in the formal sector was very low; agriculture and rural settings posed the greatest challenges.

26. **Mr. Ruiz** (Panama) said that irregular immigration did not constitute an offence in Panama. Migrants in need of humanitarian protection were taken in at border posts and immediately transferred to health centres for any necessary medical treatment. There were no shelters for children in border areas, but measures for the protection of child migrants were coordinated by the National Migration Service, juvenile courts and the National Secretariat for Children, Adolescents and the Family, and a protocol for such protection was being developed. Regarding human trafficking, the most recent figures showed that, between 2014 and 2017, 16 human trafficking networks had been dismantled, 65 traffickers had been prosecuted and 198 victims had been rescued. In 2017, Panama had established a unit for identifying and assisting trafficking victims.

27. The youth identity card protected young people's right to preserve their identity. It was unrelated to the administrative decision to impose a curfew.

28. **Mr. Cardona Llorens** said that he wished to know what happened if an adolescent was unable to present his or her identity card to the police when requested to do so, particularly in the context of the curfew. He wondered whether the adolescent would have to spend the night in police custody in the event that no adult was available to vouch for his or her identity.

29. **Ms. Cárdenas** (Panama) said that the Juvenile Police received extensive training on the rights of children and adolescents in order to avoid such situations. Moreover, databases made information on the identity of a child's parents readily available. The National Secretariat for Children, Adolescents and the Family had the authority to apply protective measures on non-working days and during non-working hours. Initially, information on the identity of a minor's parents or guardians was sought by officers of the Juvenile Police, who referred the matter to the National Secretariat if they were unable to obtain such information.

30. **The Chair** asked whether the child was held in police custody or at an institution for juveniles while the necessary identification details were being sought.
31. **Ms. Skelton** said that she wondered whether adults were also required to carry their identity cards at all times and were also detained if they failed to produce their cards upon request. If not, then the same rule should apply to children.
32. **Ms. Villareal de Jaén** (Panama) said that children who were outside after curfew and did not have an identity card were taken into custody if they were at particularly high social risk.
33. **Mr. Ruíz** said that all persons enjoyed freedom of movement and were not asked to produce their documents unless the situation called for such action. In the case of both adults and minors, action was taken only in the event of an offence. Minors were held at Juvenile Police stations until they could be released into parental custody.
34. **Mr. Cardona Llorens** asked what measures were being taken to reduce the high levels of violence in the country.
35. **Ms. Khazova** said that she would like to know whether children who were stopped by the police for being outside after curfew were treated differently depending on whether or not they had their identity cards.
36. **Ms. Cárdenas** (Panama) said that a child could not be held on account of not carrying an identity card; a child could, however, be stopped for being outside after curfew without being accompanied by a responsible adult. In that situation, if the child immediately identified himself or herself, an identity card was not necessary.
37. **Ms. Skelton** said that the Committee had been informed that fines were imposed on parents who came to collect children detained at police stations and that the children remained in custody if the parents were unable to pay the fines. On what grounds were such fines imposed?
38. **Ms. Cárdenas** (Panama) said that curfew-related fines had not been imposed for some time and that parents were certainly not required to pay for the return of their children.
39. Not all children admitted to protective institutions or shelters had been abandoned. Every effort was made to return them to the family environment, provided that there was no risk that their rights could be infringed. Children, adolescents and their families were guaranteed access to services under social protection and integration programmes. The Ministry of Social Development ran most such programmes, including the Opportunities Network programme and the Guardian Angel conditional cash transfer programme for children with disabilities. The Ministry of Housing and Urban Development implemented the Roofs of Hope programme, the basic aim of which was to provide decent housing so that children could be returned to their families.
40. With regard to foster care, Act No. 46 of 2013 recognized the right of children and adolescents to live and be raised in their biological nuclear family. Close relatives in the extended family were the primary alternative. If such families lacked the economic resources to serve as a foster family, they were incorporated into family strengthening programmes. Persons who wished to serve as foster parents were required to submit the documents specified in article 15 of Act No. 46.
41. Executive Decree No. 26 of 2009 regulated the issuance of permits for the operation of shelters and provided for oversight to ensure that they protected and promoted children's rights. Some shelters implemented human development projects such as literacy and primary education programmes, vocational training courses, and family reintegration programmes as part of the deinstitutionalization strategy. The "Vivir con Esperanza" (Living with Hope) programme provided comprehensive health care for children and adolescents living with HIV/AIDS. Other targeted support programmes included the "Tu Dignidad Vale" (Your Dignity Counts) programme, for child and adolescent victims of sexual abuse and commercial sexual exploitation, and the "Tu me Importas" (You Matter to Me) programme, for children and adolescents with disabilities.

42. Major progress had been made towards the enactment of Bill No. 536 on adoption and Bill No. 537 on the system of foster care. In line with the Committee's recommendations, the legal norms governing adoption and foster care were being reviewed and updated to ensure that they took a rights-based approach and protected children and adolescents against violence, trafficking and abduction. A 2016 report commissioned by the National Secretariat for Children, Adolescents and the Family identified the key issues to be addressed. The existing norms had also been reviewed by an intersectoral commission composed of legal experts, representatives of civil society organizations and members of the Panamanian Child and Adolescent Support Network. She assured the Committee that the legislation would reinforce the guiding principles governing adoption and that the opinions of children and adolescents as rights holders would be taken into account.

43. **Mr. Cardona Llorens** said that the Committee had commended the State party, in the concluding observations adopted in 2011 (CRC/C/PAN/CO/3-4), on the adoption of the General Adoption Act, which was in line with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. It had expressed concern, however, that the envisaged reform aimed at making the Act more flexible, particularly the possibility of direct adoption or direct placement in foster care, might breach the Convention by facilitating the sale of children.

44. **Mr. Rodríguez Reyes** reminded the delegation of the questions he had asked at the preceding meeting regarding mental health policies and breastfeeding.

45. **Ms. Cárdenas** (Panama) said that the new legislation guaranteed all rights and safeguards for children and adolescents involved in adoption procedures. The prohibition of direct adoptions had been strengthened through the drafting of separate laws on adoption (Bill No. 536), which established a permanent filial relationship, and foster care (Bill No. 537), which established a temporary relationship.

The meeting was suspended at 11.35 a.m. and resumed at 11.55 a.m.

46. **Mr. Ramírez** (Panama) said that the data provided by the Ministry of Health on the coverage of health-care programmes were drawn only from the 795 health-care facilities run by that Ministry and did not include Social Security Fund health checks. When data from the Fund were also taken into account, it could be seen that coverage during the past two years had exceeded 100 per cent of the population, since persons with social security coverage could also visit a Ministry of Health facility. Prenatal check-ups exceeded 80 per cent.

47. As the last survey of the population's nutritional status had been conducted in 2008, the Ministry of Health planned to conduct a new wide-ranging survey. In 2014, it had monitored the nutritional status of patients in the health-care network in 15 regions of the country. The results of those surveys showed that the prevalence of chronic malnutrition had declined from 22.2 per cent in 2003 to 19.1 per cent in 2008 at the national level. While a figure of 62 per cent had been recorded for indigenous regions in 2008, the figures for 2014 were 55.6 per cent, 31.3 per cent and 28.6 per cent for the regions of Kuna Yala, Ngöbe Buglé and Darién, respectively.

48. The rate of child mortality had been declining since the 1960s. Between 2014 and 2016, it had declined from 14.3 per cent to 13.9 per cent in 7 of the 13 provinces and districts, particularly in indigenous areas and Bocas del Toro. A revised child mortality monitoring form and guide would be implemented in 2018 with a view to conducting autopsies in all cases, especially those occurring at home.

49. Maternal mortality had declined from 49 cases in 2012 to 37 in 2016. The main causes were haemorrhaging, ectopic pregnancy and pre-eclampsia. A national strategic plan was being implemented to reduce maternal and perinatal mortality, and life-saving courses were conducted in three training centres. The NGO Reprolatina had provided support for a study focusing on adolescents. There was also a counselling service for family planning, and eight health-care centres were specially equipped to prevent maternal mortality. Maternal shelters with trained staff had been established in five indigenous regions. They were located close to health-care centres and in 2015 they had provided shelter for 756 pregnant women.

50. The master plan for child and adolescent health care for 2016–2025 was geared to promoting the right to health and development and providing high-quality public health-care services based on 6 principles and 24 strategies. It provided for 51 investment projects to obtain the necessary funds through different channels. Each strategy defined a target and specified the indicators to be monitored in order to assess progress towards its achievement.

51. The Ministry of Health also implemented strategies through the “Contigo” Indigenous and Rural Health Network. For instance, the Essential Obstetric and Neonatal Care Strategy provided pregnancy, childbirth and postnatal services, and the NutriVidas strategy provided services for infants and children up to the age of 5 years.

52. Breastfeeding was supported by the National Commission for the Promotion of Breastfeeding, which held meetings each month. The National Commission had produced Executive Decree No. 1457 of 30 October 2012, which contained regulations governing the enforcement of Act No. 50 of 1995 on breastfeeding. As of October 2017, breastfeeding rooms had been established in 35 workplaces. The procedures for monitoring compliance with the International Code of Marketing of Breast-milk Substitutes had been reviewed in 2017 and the results of the subsequent monitoring study would be available shortly. A commission of the Ministry of Health assessed breast milk substitutes. In addition, the Ministry of Health published nutritional guidebooks, and the guidebooks for 2018 would focus on healthy nutrition for infants aged less than 2 years, underscoring the importance of breastfeeding.

53. The number of babies born to adolescent mothers in the 10-to-19 age group had declined from 15,023 in 2014 to 14,025 in 2016. There had been a decline of 163 births for mothers in the 10-to-14 age group and of 835 births for mothers in the 15-to-19 age group. Early identification of such cases was complicated by attempts to conceal the pregnancies. However, the percentage of pregnant girls under 20 years of age who received prenatal check-ups had increased from 28 per cent to 30 per cent.

54. The adolescent-friendly health-care services had been extended to 10 regions and 50 health-care centres. The strategy focused on social and cognitive skills, control of emotions, protection against risks, adolescence and sexuality, human rights, prevention of violence against women, prevention of pregnancy and prevention of HIV/AIDS.

55. Psychiatrists were currently trained in three Panamanian institutions, and fellowships were granted for persons who wished to study psychiatry abroad. Eighteen psychiatrists specialized in treatment for children and adolescents. The mental health programme for 2016 and 2017 prioritized psychiatric care for children and adolescents. It promoted the World Health Organization (WHO) Mental Health Gap Action Programme (mhGAP), which included specific modules for children.

56. With regard to environmental health, an order had been issued in 2016 to construct a drinking water pipeline from the Las Mendozas water purification plant to Capira at a cost of \$25.4 million. More than 65,000 persons would benefit from the project, which would be completed in 2018. Meanwhile, the aqueduct currently serving Capira was still operational.

57. **Ms. Aho Assouma** said that she wished to know whether all members of the indigenous community benefited from the programmes to combat child mortality. She also asked why the rate of exclusive breastfeeding remained so low; whether the initiative launched in 2017 to encourage breastfeeding had been evaluated; what improvements had been seen thus far; whether health professionals were trained to give breastfeeding advice; and whether parents who bottle-fed their children received hygiene training in order to prevent diarrhoeal illnesses. She wondered what was being done to combat adolescent pregnancy, whether contraceptives were distributed and what aftercare was provided to adolescents who underwent surgery for obstetric fistula or caesarean section. It would also be useful to know what was being done to prevent drug use among young persons.

58. **Mr. Rodríguez Reyes** said that, in relation to breastfeeding, it would be interesting to know why such a low percentage of health-care centres in Panama were WHO-certified as baby-friendly and what was being done to help more centres achieve certification. Noting that the State party had a national mental health plan, he asked whether it covered the entire country, whether it included specific policies for indigenous and Afro-

Panamanian communities, whether its main focus was on service provision or on the construction of facilities and whether it included policies to increase the number of trained specialists in child mental health.

59. **Mr. Ramírez** (Panama) said that the country had adopted a number of strategies to address child mortality in indigenous communities, including the provision of obstetric and neonatal care and the promotion of community-based care. Although no statistics were available on obstetric fistula, 95 per cent of births took place in institutional settings and the remainder were assisted by traditional birth attendants. A pictorial guide to pregnancy and childbirth had been developed for such attendants to ensure that they had access to the necessary information, regardless of education level. Furthermore, efforts continued to be made to prevent teenage pregnancy and provide user-friendly services.

60. With regard to breastfeeding, all health-care professionals received training based on sections 3 and 4 of the Baby-friendly Hospital Initiative materials. A training course for hospital certification authorities had also been developed. One Panamanian hospital had already been assessed; it was hoped that future assessments would further encourage hospitals to implement the steps included in the Initiative. With regard to community outreach, 10 breastfeeding support groups had been established by La Leche League. In indigenous communities, efforts focused on promoting exclusive breastfeeding, as mothers in those communities tended to introduce their babies to other liquids at too early an age.

61. To address the shortage of mental health personnel, mhGAP resources were being used to train non-specialists in how to monitor child development.

62. **Ms. Rudy Arellano** (Panama) said that, in order to improve education coverage at the preschool and primary levels nationwide, a programme had been launched to replace shack classrooms with schools, particularly in indigenous and poverty-stricken areas. A total of 928 new schools would be built under the programme. One of the focuses of the 2014-2019 strategic plan of the Ministry of Education was to increase educational coverage at all levels by assessing the current situation, updating the relevant legislation, building new schools that met accessibility standards, maintaining the universal grant for children in grades 1 to 12, building classrooms to accommodate the extended school day and hiring additional qualified personnel. A rise in education coverage had already been seen since the introduction of the plan.

63. As part of the effort to reduce school dropout rates, tutors were assisting at-risk children through the programme to combat child labour, and guidance on effective learning had been provided to educators and families. Differentiated teaching had been introduced to ensure that all students learned essential concepts and skills, and an accelerated primary-level learning plan had been adopted to support students in rural, indigenous and marginalized communities who returned to school after dropping out. The distance learning programme Telebásica had been introduced to facilitate access to education for children in rural areas. In addition, in order to support national-level planning, a system of education indicators was being developed to provide reliable, up-to-date and disaggregated data on children who were not in school.

64. Panama accorded priority to efforts to improve the quality of education, including programmes to improve school safety and accessibility, introduce effective and inclusive teaching methods, promote the learning of English and extend the school day to eight hours in order to reduce dropout rates. The country had participated in the Programme for International Student Assessment for the first time during the 2009 cycle. Although the Government had suspended participation in the following two cycles in order to focus on initiatives to improve the education system, the results from the 2009 cycle had remained the baseline for measuring success. The country was now preparing to participate in the programme again. It was also carrying out a pilot study to assess the life skills of 15-year-olds who were in grade 6 or lower or were not enrolled in school.

65. With regard to children with disabilities, the country was currently taking steps at the highest level to implement the recommendations made in September 2017 by the Committee on the Rights of Persons with Disabilities and to institute a system for following up on all the recommendations made by the human rights treaty bodies. An intersectoral team had been established to report on the needs of children with disabilities who were

living in institutions. In addition, agreements had been signed to increase inter-agency cooperation in enforcing the rights of such children, facilitating their social inclusion and promoting deinstitutionalization. Progress had also been made towards establishing variables for data collection on children with disabilities.

66. **Ms. de la Guardia** (Panama) said that the country's juvenile criminal justice system had a special regime on the criminal responsibility of adolescents, which provided for alternative measures to be taken to avoid criminal convictions for young offenders. If criminal penalties could not be avoided, non-custodial and socio-educational sentences were preferred. The conditional suspension of custodial sentences was permitted when offenders had already served half of the sentence. Currently, 62 per cent of adolescent offenders were not serving custodial sentences; the remainder were detained in centres that complied with the relevant standards. The criminal records of young offenders were kept confidential and were sealed once the sentence had been served.

67. There was no reported overcrowding in detention facilities in Panama. The authorities were developing a national intervention system that included non-custodial measures for adolescents and promoted the use of social support networks and restorative justice. Mechanisms were also being developed to promote synergies between the institutional system and the community in order to support the reintegration of adolescent offenders. In addition, plans were already in place to expand the comprehensive intervention model piloted at Pacora juvenile prison to cover all detention centres. One detention centre was being rebuilt and another was undergoing renovation.

68. On the topic of drug addiction among adolescents, the country had a multidisciplinary medical programme to provide treatment to adolescents who were in custody for any reason, not necessarily for drug-related offences.

69. **Ms. Skelton** said that the dialogue with the State party had shed light on matters of concern to the Committee. She encouraged the State party to ensure that sufficient funding was invested in initiatives for the most marginalized and vulnerable population groups and to sustain the progress it had made through any future changes of government.

70. **Ms. Cárdenas** (Panama) said that the dialogue with the Committee had been frank and positive and that the delegation had noted the concerns raised by the Committee. The country would continue to make efforts to ensure that children's rights were enforced and that their voices were heard.

The meeting rose at 1 p.m.



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Summary record of the 2260th meeting

Held at the Palais Wilson, Geneva, on Thursday, 18 January 2018, at 3 p.m.

Chair: Ms. Winter

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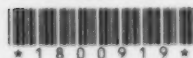
Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Seychelles

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The meeting was called to order at 3.10 p.m.

Consideration of reports of States parties (continued)

Combined fifth and sixth periodic reports of Seychelles (CRC/C/SYC/5-6; CRC/C/SYC/Q/5-6 and CRC/C/SYC/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Seychelles took places at the Committee table.*
2. **Ms. Simeon** (Seychelles), introducing the combined fifth and sixth periodic reports of Seychelles (CRC/C/SYC/5-6), said that her country remained firmly committed to the protection and promotion of children's rights and had worked hard to raise awareness of the Convention among the general public.
3. Great strides had been made in the field of early childhood care and education; as a result, Seychelles had been recognized by the International Bureau of Education as a regional leader in best practices in that field.
4. The Social Renaissance Action Plan had played an important role in keeping child-related issues on the national agenda. Steps had been taken to strengthen child protection, including the establishment of a dedicated child protection team within the police force. The principle of the best interests of the child was frequently invoked in decisions handed down by the Family Tribunal.
5. As indicated in paragraph 14 of her country's replies to the list of issues (CRC/C/SYC/Q/5-6/Add.1), corporal punishment was now prohibited in schools. The provisions of the Children Act allowing the Minister for Family Affairs to issue regulations on the administration of corporal punishment in certain establishments had not yet been repealed; however, as the Minister in question, she was committed to ensuring that no such regulations would ever be issued.
6. In 2017, 9 per cent of the national budget had been allocated to the education sector. The duration of compulsory education had been increased to 11 years, and measures were being taken under the Education Sector Medium-Term Strategy 2013–2017 to improve the quality of education.
7. The Ministry of Family Affairs was developing a new strategic plan to address current challenges, such as the decline of the extended family, the rise in substance abuse and the effects of globalization on the family unit. Children's rights would remain high on its agenda.
8. **Ms. Ayoubi Idrissi** (Country Rapporteur) said that she would like to know why the State party had not yet submitted initial reports under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography.
9. She asked what status the Convention held in national law; whether the delegation could provide examples of cases in which the Convention had been invoked before domestic courts; and what stage had been reached in the amendment of the Civil Status Act, with respect to the minimum age for marriage, and the Children Act, with respect to the prohibition of corporal punishment.
10. She asked what steps were being taken to provide the Social Affairs Department with sufficient human and financial resources and to combat burnout among social workers; how the work of the Social Affairs Department was coordinated with that of the National Commission for Child Protection; and whether the Commission played an advisory role only.
11. With reference to the evaluation of the 2005–2009 Plan of Action for Children, she enquired what the main outcomes of that evaluation had been and why the State party had decided not to adopt a new action plan. The Committee was concerned that child-related issues would not receive adequate attention under the Social Renaissance Action Plan.
12. She would appreciate more information on the budget allocated to programmes for children; the steps taken by the State party to prioritize children's rights in its budgeting, in

accordance with the Committee's general comment No. 19 (2016) on public budgeting for the realization of children's rights; and any technical assistance received in that regard. She wondered what measures had been taken to combat corruption and prevent the misuse of funds allocated to programmes for children.

13. With reference to paragraphs 57 and 66 of the State party's report, she asked why the findings of the Child Well-being Survey had not been fully exploited by the relevant agencies; what steps would be taken to improve data collection; and whether the delegation could provide more information on the database on children.

14. She enquired what specific measures had been taken to strengthen the National Human Rights Commission; what stage had been reached in the review of its legislative framework; whether the Commission would serve as the independent mechanism responsible for monitoring the implementation of the Convention; whether it would be empowered to handle complaints of child rights violations; and whether there was an existing complaint mechanism for children.

15. It would be useful to know what steps had been taken to change social attitudes towards child marriage and how frequently child marriages took place. Lastly, she wondered what measures had been adopted to combat *de jure* and *de facto* discrimination; to what extent the best interests of the child were viewed not only as a principle, but also as a right and a rule of procedure; and whether the delegation could provide examples of legal decisions based on the best interests of the child.

16. **Ms. Todorova** (Country Rapporteur) said that she wished to commend the State party for promoting the participation of children in the public sphere through platforms such as the National Youth Assembly. She wondered whether support was provided to enable children to express themselves; whether the adults involved were trained to listen to children; and whether there were procedural guarantees to ensure that children's views were given due weight in accordance with the age and maturity of the child. She would also like information on measures taken to enable children in vulnerable situations, such as children with disabilities, to express their views.

17. The Government had previously stated that child participation was not compatible with the traditional approach to parenting; however, according to paragraph 111 of the State party's report, the 2011 Study on Families had revealed that family values were changing. With that in mind, she wondered whether the National Family Policy contained measures to encourage parents to create a supportive, participatory environment at home.

18. The traditional approach to parenting was contradictory to the spirit of the Convention and to the provisions of article 5 in particular, insofar as it prevented children from exercising certain rights and freedoms, including freedom of expression and access to information. She would like to know how the Government intended to address that contradiction, taking into account the findings of the 2011 Study on Families.

19. She wondered whether media outlets had been encouraged to adopt a code of conduct to ensure the protection of children's rights and whether steps had been taken to regulate children's access to information, especially online.

20. It would also be useful to know whether there were plans to enact legislation to ensure that all children born out of wedlock had the legal right to know and maintain contact with both their biological parents; what stage had been reached in the amendment of the Civil Code, including the removal of the term "illegitimate child"; and what measures had been taken to ensure effective access to registration and identity documents for child asylum seekers and refugees and their families.

21. In light of the concerns raised in the previous concluding observations (CRC/C/SYC/CO/2-4) about violations of children's rights arising from the business sector, particularly the tourism and fisheries industries, she asked whether the Government planned to introduce measures such as codes of conduct to prevent the economic exploitation of children and the worst forms of child labour. She would also appreciate information on any actions to combat problems such as water pollution and climate change, with a view to lessening environmental impacts on children's rights.

22. The Committee welcomed the progress made in policies and legislation to protect children from all forms of violence. It was interested to know how the prohibition of corporal punishment in schools would be implemented following the 2017 amendment to the Education Act. Did the State party plan to train teachers in other methods of disciplining children? Given that corporal punishment had not yet been banned in all settings, more information might be provided on efforts to repeal the right to administer "reasonable chastisement", as provided for in the Children Act. The Committee would be grateful for details concerning efforts to raise awareness of parents and society more generally of positive parenting and to provide training in that regard. It would be helpful to know whether the judiciary might provide an authoritative interpretation of the law along the lines of the recent judgment of the High Court of South Africa, which had found that "reasonable chastisement" was unconstitutional and should not be applied.

23. Further information was needed on measures taken to prevent sexual abuse of children within the family, including data on the number of cases reported to the police child protection team set up in 2015, the number of cases prosecuted and the number of abusers punished. She also wished to know more about the helpline service, including whether it was for children only, how frequently calls were received, how accessible it was for children from the various islands, and whether it was toll-free and open 24 hours a day. Were NGOs involved in administering the helpline, and what kind of support did it provide to children? Lastly, she asked what services were available to victims of abuse for their recovery and reintegration.

24. **Ms. Ayoubi Idrissi**, regretting the absence of a shadow report, asked how the State party had collaborated with civil society, including children, in the preparation of its periodic report. She was curious to know what steps had been planned or taken to ensure that the activities of NGOs, especially those involved in the care of vulnerable children, complied with international child protection standards. How transparent was the allocation of State funding to NGOs?

25. While she was gratified that the Convention was the most widely known human rights instrument in Seychelles, she wondered what human rights training was provided to professionals who worked with vulnerable children, such as children with disabilities and children deprived of their liberty. What had been the impact of awareness-raising measures among children and professionals?

The meeting was suspended at 3.55 p.m. and resumed at 4.20 p.m.

26. **Ms. Simeon** (Seychelles) said that the role of the National Commission for Child Protection was to coordinate all stakeholders, to propose policies and to advise the Government on child protection matters. As a high-level authority made up of representatives of child protection organizations, the Commission played a key role in promoting the Convention, supporting the advancement of children's rights and engaging in dialogue on children's rights with various actors. Other coordinating structures composed of representatives from different sectors included the Inter-Agency Committee, which addressed cases of sexual abuse and other forms of serious abuse against children, and the Social Services Committee, which submitted reports and recommendations to the courts and the Family Tribunal in cases of custody, access, compulsory care, child maintenance, adoption and guardianship.

27. A variety of parenting programmes were provided by NGOs, the National Council for Children and the Social Affairs Department. An antenatal parenting programme introduced in 2013 to lay a solid foundation for the future of children, families and communities had been extended in 2015 so as to provide continued support to parents after childbirth. Such programmes aimed to equip parents with the skills to provide a stable and nurturing environment and were designed to reach as many people as possible, based on their needs. The National Council for Children operated a long-standing positive parenting programme whose components included discipline, anger management, communication, children's rights, dealing with challenging behaviour and budgeting.

28. The Government operated a 24-hour, toll-free helpline that was designed solely for the purpose of child protection and was staffed by social workers. In 2017, the line had received 259 calls, a marked decrease on the 339 calls received in 2016. The Government

was conscious of the need to increase the helpline's visibility and use and it had decided to renew its sensitization strategies, including through the distribution of leaflets and posters to all schools. Complaints of abuse were investigated jointly by the police and social services. Victim support services were guided by the Working Together Manual for Child Protection.

29. The Government supported training for social workers through collaboration with the National Institute of Health and Social Studies and the University of Seychelles. Efforts to support and retain social workers included the ongoing revision of their conditions of service, for which resources had been allocated in the 2018 budget, as well as the current institutional emphasis on professional development and supervision.

30. The minimum age for marriage was set forth in the Civil Status Act, which was still under review by the Ministry of Employment, Immigration and Civil Status. Statistics showed that marriages of girls under the age of 18 years were extremely rare, while in the previous 20 years there had been no cases of ministerial consent being provided to males under the age of 18 or females under the age of 15. In her personal capacity as Minister for Family Affairs, she pledged not to give consent to any such marriages and to push for a change in the law.

31. **Ms. William-Melanie** (Seychelles) said that, since ratifying the Convention, the Government of Seychelles had always maintained plans to address concerns relating to children. The Social Renaissance National Action Plan (2011–2016), which had replaced the National Plan of Action for Children (2005–2009), focused on children, families and communities and included measures to raise social awareness and to support at-risk groups and victims. Following an evaluation of the Social Renaissance National Action Plan, the Government had formulated new policies and introduced new services and programmes designed to tackle the problems identified, and inter-institutional coordination had been strengthened. A new plan of action on the family would be introduced for the period 2018–2022.

32. **Ms. Marguerite** (Seychelles) said that the collection of reliable data was a persistent challenge that the Government was trying to address through various strategies. For example, the Social Affairs Department was developing a data collection and management system for children that was expected to become operational during the following year.

33. Regarding possible amendments to the Children Act and the Civil Code, a committee was conducting a section-by-section review of the Civil Code and was expected to report its findings shortly. As part of its involvement in that process, the Social Affairs Department advocated the removal of all discriminatory terms, including the frequent references to "illegitimate" children.

34. She was pleased to inform the Committee that the Government had commenced work on a code of conduct for the media and that a policy to safeguard the privacy of children in alternative care institutions had been approved. The delegation appreciated the recommendation to work with the United Nations Children's Fund and expressed the hope that the provision of technical support would lead to improvements in the child protection system.

35. **Ms. Simeon** (Seychelles) said that calculating the State's budgetary investment in children remained a challenge. The bulk of the national budget was allocated to the education and health sectors so as to provide free education and primary health care to citizens, as the Constitution required. However, it was possible to identify budgetary allocations to institutions whose work was entirely directed at children, such as the National Council for Children, which had received a budget of about US\$ 320,000 in 2017, and the Institute of Early Childhood Development, which had received a budget of about US\$ 556,800 in 2017. Moreover, the Government ensured that special projects and programmes for children received adequate funding: the Social Renaissance National Action Plan had been allocated US\$ 77,000 per year since 2011. In 2013, the Government had introduced the Trust Fund for Early Childhood Care and Education, which received US\$ 77,000 from the national budget each year in addition to contributions from businesses engaging in corporate social responsibility. Government departments and NGOs were able to apply to the Trust Fund to secure funding for projects aimed at young children.

36. Teachers in schools had been sensitized to the ban on corporal punishment; any teacher inflicting such punishment would be prosecuted. Parents had also been sensitized and had received training in disciplining children through alternatives to physical force, although much work remained to be done in that area.

37. **Ms. William-Melanie** (Seychelles), responding to the concern raised about sexual abuse in the home, said that the Government was implementing several programmes to educate the public about domestic violence. In schools, through personal, social and civic education classes, children were taught about their rights to protection and how to recognize and report issues of sexual abuse. The Government placed strong emphasis on building the capacity of child-protection and law-enforcement professionals and constantly strove to educate families, parents and other caregivers with a view to preventing sexual abuse in the home.

38. Lastly, regarding the paternity of children of single mothers, she said that the Government had noted a sharp decrease in the number of cases of fathers who refused to legally acknowledge their children after birth. In such cases, the authorities made an effort to ensure that the children of single mothers were able to know the father's identity.

39. **Ms. Todorova** said that she would welcome clarification on whether mothers or children were able to institute legal proceedings under the Civil Code to establish parentage.

40. **Ms. William-Melanie** (Seychelles) said that legislation allowed mothers to bring proceedings to establish paternity. While there had been no cases of children bringing proceedings for that purpose, she believed that the conditions were in place for the authorities to assist children in doing so, should the situation arise.

41. **Ms. Marguerite** (Seychelles) said that the outstanding reports under the two Optional Protocols to the Convention referred to earlier would be prepared and submitted as soon as possible. Concerning corruption, mechanisms had been put in place to ensure that the problem was dealt with appropriately. Under the 2016 Anti-Corruption Act, an independent anti-corruption commission had been set up with the mandate to receive and investigate complaints. The Ethics Commission, which had been operating for several years, carried out education and sensitization activities on corruption; it had drawn up a general code of conduct and operated a system for the declaration of assets by public officials. The principle of the best interests of the child was a primary consideration in all decisions by social services, for example in developing individual care plans for children. There had been a significant improvement in the decisions of the Family Tribunal since the new board had been installed; in 2017, only 2 of the 13 judgments issued had failed to mention the best interests of the child. The pastoral care system for primary and secondary schools also emphasized the best interests of the child and placed children at the centre of school development initiatives.

42. **Ms. Ayoubi Idrissi** said that she would be interested to hear more about the horizontal and cross-cutting coordination of the activities of the National Commission for Child Protection and other mechanisms working in that area. She would like to know how many social workers staffed the government helpline. She wondered whether the Government relied on the Committee's concluding observations in designing policies on issues such as data collection and child-responsive budgeting. The delegation might indicate how many corruption cases had been brought before courts and their outcome. She wondered whether any studies had been carried out to assess the scale of sexual violence against children.

43. **Mr. Gastaud** said that he would be interested to know about the criminal provisions in place in respect of corruption. Did the Anti-Corruption Commission refer cases to the courts following investigation?

44. **Ms. William-Melanie** (Seychelles) said that the Social Affairs Department in the Ministry of Family Affairs had a mandate to coordinate all child protection issues. The Ministry was the parent ministry responsible for implementation of the Children Act. The various committees across sectors working on child protection issues reported to the high-level National Commission for Child Protection, which in turn could inform the Government of any policy or legislative changes required. The helpline operated seven days

a week and was staffed by in-service social workers based on a roster. For calls received during the night, depending on the nature of the case reported, follow-up action could be initiated immediately or the following day. A study had not yet been carried out on the extent of sexual violence against children specifically. It would be necessary to consider how best to raise the funds to conduct such a study.

45. **Ms. Marguerite** (Seychelles) said that the Anti-Corruption Act provided for legal avenues for dealing with corruption cases, but as the Anti-Corruption Commission had been established only very recently, it had not yet referred any cases to the courts.

46. **Ms. Aho Assouma** said that she would like the delegation to comment on reports of young girls living and having children with older men outside marriage. She would be interested to know whether teenage girls who fell pregnant were able to continue their education.

47. **Ms. Simeon** (Seychelles) said that, under the Ministry of Education's teenage pregnancy policy, girls who fell pregnant could continue their education once they had given birth; they received all the necessary support from the Social Affairs Department. The delegation was not aware of cases of young girls living with older men but would look into the matter.

48. **Ms. Marguerite** (Seychelles) said that the Government had a good working relationship with civil society, particularly when it came to children's affairs, and civil society organizations had participated in the process of compiling the State party report. There was also civil society representation on the National Commission for Child Protection, which helped in sharing information with other NGOs that were members of the civil society platform. Children had been included in the process of validating the State party report, but it was acknowledged that perhaps further efforts could be made in that regard. The report was publicized and made available online. In terms of NGO funding, each year the Government allocated a certain amount of money to a fund that could be accessed by NGOs to finance projects that supported the Government's work. Some NGOs might benefit from direct Government funding if their services were required in a particular area.

49. **Mr. Gastaud** asked whether NGOs were entitled to receive foreign funding and whether the Government delegated the provision of certain State services to NGOs.

50. **Ms. Marguerite** (Seychelles) said that many NGOs received funding from international donors and some ran services on behalf of the Government.

51. **Ms. Todorova** said that it was not clear why NGOs required foreign funding given that Seychelles was now classified as a high-income country; surely the Government should be providing the funding for the implementation of its own policies.

52. **Ms. Marguerite** (Seychelles) said that, although Seychelles had graduated to high-income status, some foreign donors recognized that challenges continued to be faced in certain areas and provided support to tackle them.

53. **Ms. Ayoubi Idrissi** said that she would like to know what mechanisms were in place to ensure accountability and compliance with the relevant standards when government services were delegated to NGOs.

54. **Ms. William-Melanie** (Seychelles) said that NGOs that received Government funding for the provision of services to adolescents and children had a reporting obligation; there was regular monitoring to ensure that funding was being spent appropriately and that there were no violations of children's rights.

55. **Ms. Marguerite** (Seychelles) said that the Protection of Human Rights Act 2009 made provision for the appointment of the chairperson and members of the National Human Rights Commission by the President in consultation with the Chief Justice and the speaker of the National Assembly. A review of the legislation and policies governing the Commission and the Office of the Ombudsman was ongoing with a view to strengthening the institutions and ensuring compliance with the Paris Principles. Although the Commission had been in place since 2009, it was not well known among the general public. However, there were other, more popular, avenues for complaints for children. For example,

the National Council for Children gave a voice to children, listened to their concerns and made referrals to other institutions where relevant. There were also complaints mechanisms in place in the Ministry of Education. There was no record of child labour in Seychelles; the Ministry of Employment's inspection unit played a key role in ensuring compliance with legislative provisions as they related to children. There were many structures in place to promote the participation of children and ensure that their views were heard, such as the Seychelles National Youth Council, but more work remained to be done in that area.

56. **Ms. Todorova**, noting that there was clearly a persistent problem of children not being respected as rights holders in the family, as reflected in reports that children were not even allowed to choose their own clothes, said that she would like to know what measures were planned to remedy that situation.

57. **Ms. William-Melanie** (Seychelles) said that it was true that, traditionally, parents had always been seen as responsible for making decisions for their children; however, efforts were being made to change that mentality through a positive parenting approach, with an emphasis on the need for children to be better heard by their parents. It was an ongoing process, however, and the transition would take time. As to reports that children were not allowed to choose their clothes, perhaps that was the case among very young children, but older children were allowed to express their preference.

58. The Government was making ongoing efforts to include children in debates and discussions on climate change. Their inclusion in those debates and discussions was facilitated by the many various environmental clubs in the country's schools. Answers to the questions about asylum-seeking children and migrant workers would be provided if the information requested by the Committee could be obtained from the relevant agencies.

59. **Mr. Gastaud** said that, while he welcomed children's participation in activities related to climate change, he wondered whether climate change was included in school curricula, whether facilities were built to resist extreme weather events and whether Seychelles had an adequate number of shelters.

60. **Ms. Aho Assouma** said that her earlier question had concerned not girls who lived with married men or forced marriage but girls who cohabitated with men. She wondered whether the authorities were aware of the phenomenon and what measures, if any, it took to combat it. It would be interesting to know how many girls had returned to school after giving birth.

61. **Ms. Todorova** said that the Committee welcomed the State party's focus on ensuring that families fulfilled their responsibilities. The Committee was nonetheless of the view that children had needs and rights that were not a matter for the family alone. In addition, the Committee was troubled by the State party's failure to act on recommendations made by the Committee on the Elimination of Discrimination against Women to amend its Civil Code with a view to granting mothers and fathers equal status under the law (CEDAW/C/SYC/CO/1-5, para. 39). She wished to know why those recommended amendments had not been made.

62. She asked whether the licensing of non-governmental and other providers of alternative care for children deprived of a family environment was regulated and, if so, how. In the same connection, she wondered how the authorities monitored the standards of care in the children's homes owned by the Catholic Church, how decisions to place children in those homes were made and whether those decisions were driven in part by the poverty of the families whose children were removed from their care. She would welcome a comment on the difficulties faced by the State party in its attempts to develop a system of foster care. An indication of whether there were community-based services for children with behavioural problems, whom the authorities seemed all too ready to place in institutions, would likewise be welcome. The delegation might indicate whether any measures had been taken to return institutionalized children to their biological families.

63. She asked whether there were children in need of adoption in Seychelles and whether there were prospective parents willing to adopt them. In that connection, she requested a comment on the amendments being drafted to incorporate into domestic law the

Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and the Hague Convention on the Civil Aspects of International Child Abduction.

64. With regard to the National Framework on Orphans, Vulnerable Children and Youth, currently being developed, she asked what was meant by "vulnerable children" and how many such children there were. It would also be interesting to know whether the Government was of the view that asylum-seeking, refugee and stateless children were sufficiently protected under national law.

65. The legislative steps taken to combat child labour in the State party were commendable. She nonetheless wondered whether the amendments to the Employment Act that were currently awaiting adoption included a more specific list of the hazardous jobs that children were not allowed to do and a provision explicitly making 18 the minimum age for hazardous work. In addition, she asked whether involving children in the production and sale of illegal drugs had been made a specific criminal offence, whether consideration had been given to raising the minimum age for light work to 13, whether reports of child and forced labour in the tourism, fishing, construction and informal sectors had been investigated and, if so, how many investigations had been conducted.

66. It would be interesting to know whether the number of labour inspectors and the resources at their disposal were sufficient for the enforcement of the State party's laws on child labour. In view of reports received by the Committee, she wondered whether it was really true that there was no child labour in Seychelles. She also wondered whether the Government had plans to make labour less attractive to children and their families by improving the country's schools and providing additional incentives to pursue an education.

67. Although the criminalization of the sexual exploitation and prostitution of children was a commendable development, the Committee was concerned by reports that children in Seychelles, mostly girls, were induced into prostitution by peers, family members and pimps. She asked what the Government was doing to address that and other related issues. In the same connection, she wondered whether law enforcement and judicial officials had received the training they needed to address those issues effectively, as prosecutions of persons accused of securing the sexual services of children were uncommon. A comment on the measures the Government had taken to prevent the commercial sexual exploitation of children, including by reaching out to their parents and the general public, would be welcome. An indication of the number of cases of such exploitation that had been prosecuted during the reporting period and the number of convictions that had been secured would also be welcome. In addition, the delegation might indicate what recovery and rehabilitation services were available to victims.

68. She wished to know how many cases of human trafficking, in particular for the purpose of commercial sexual exploitation, had been identified and whether any accused traffickers had been prosecuted. Similarly, she wondered whether there were services for victims of human trafficking and, if so, how such victims were referred to service providers. Was the private sector, the tourism industry in particular, encouraged to do its part to contribute to reducing demand for the sexual services of minors?

69. **Ms. Ayoubi Idrissi** said that she wished to know what resources had been set aside for the implementation of the Inclusive Education Policy recently developed by Seychelles and how many children with disabilities had benefited from it. With regard to basic health, she would welcome an indication of the number of doctors per capita in the State party, the rates at which children were vaccinated against common childhood diseases, the number of children affected by HIV/AIDS and the impact of the National AIDS Council Act of 2013. It would also be interesting to know whether access to safe abortions was widely available. In the same vein, she wondered whether girls went without sexual and reproductive health services for fear that doctors and other medical personnel, as required by law, would seek the authorization of their parents to provide the health services they were asked for. In addition, she asked whether the causes of suicide among the State party's children had been studied, what measures, if any, had been taken to prevent it and what efforts had been made to ensure that economically disadvantaged families had access to basic social services.

70. Regarding education, she would welcome an indication of the impact of the measures that had been taken to combat absenteeism and discourage school dropout. In

addition, she asked whether the State party had considered taking measures to encourage girls to study subjects traditionally intended for boys. She also asked whether the action plan associated with the Inclusive Education Policy had been launched and whether all children, including children with disabilities and children in conflict with the law, had access to recreational and cultural activities.

71. In connection with sexual exploitation, she wondered why the State party had not developed a code of conduct for tourism professionals, whether child victims of sexual exploitation had access to confidential complaints mechanisms and whether there were protocols for the referral and care of such victims. Lastly, she wished to know how many psychiatrists, including child psychiatrists, there were in the State party.

72. **Ms. Sandberg** said that she would welcome an indication of the current percentage of children living in poverty in the State party. It would be interesting to know whether the measures taken by the State party to fight poverty had been successful.

73. **Mr. Rodríguez Reyes** asked whether the State party had any current child nutrition policies that promoted exclusive breastfeeding for the first six months of a child's life. He wondered whether the State party monitored the activities of the companies that produced and distributed breast-milk substitutes and whether any additional hospitals had earned the "baby-friendly" accreditation since the State party had submitted its periodic report in mid-2016. Lastly, he asked what measures had been taken to ensure that economically disadvantaged children and their families benefited from social security, including social insurance.

74. **Ms. Aho Assouma** said that she wished to know whether there were mental health services for girls who were victims of sexual violence. She would welcome a comment on the prevalence of HIV/AIDS in the State party. It would be interesting to learn what, if anything, was done to prevent transmission of the virus from mother to child.

The meeting rose at 6 p.m.



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Summary record of the 2261st meeting

Held at the Palais Wilson, Geneva, on Friday, 19 January 2018, at 10 a.m.

Chair: Ms. Aho Assouma (Vice-Chair)

Contents

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Seychelles (continued)

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In the absence of Ms. Winter, Ms. Aho Assouma, Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

Combined fifth and sixth periodic reports of Seychelles (continued) (CRC/C/SYC/5-6; CRC/C/SYC/Q/5-6 and CRC/C/SYC/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Seychelles took places at the Committee table.*
2. **Ms. Simeon** (Seychelles) said that the Government was working to build capacity in the medical field by offering better training and salaries in order to improve services at point of use. In addition, careers in mental health were being promoted in order to strengthen the services delivered in that area. As a result of those efforts, the number of practitioners had increased markedly in recent years: the number of medical practitioners had risen from 93 in 2012 to 177 in 2016, and there were now 7 paediatricians and 11 doctors specializing in maternal and child health. There were 5 psychologists, 6 provisional psychologists and 3 psychiatrists working within the Ministry of Education, the Ministry of Health and other relevant bodies.
3. Seychelles had endorsed the Global Strategy for Infant and Young Child Feeding and was a signatory to several World Health Assembly instruments on infants and young children, including the International Code of Marketing of Breast-milk Substitutes. In 2015, one of the country's hospitals had been accredited as baby-friendly by external assessors under the baby-friendly hospital initiative of the World Health Organization and the United Nations Children's Fund.
4. Data on breastfeeding had been routinely collected since 2013; according to statistics, the exclusive breastfeeding rate on discharge from hospital was 89 per cent. Maternity leave was three months; after that period, some working mothers expressed breast milk, which was then fed to their babies in bottles. Non-working mothers continued breastfeeding for up to one year. The Family Health and Nutrition Unit was assessing a programme under which district nurses conducted home visits to monitor and support mothers.
5. **Mr. Rodríguez Reyes** said that he would appreciate clarification on the total number of hospitals in the country and on the number of baby-friendly hospitals.
6. **Ms. Simeon** (Seychelles) said that there were three hospitals in the country. The baby-friendly hospital initiative had been implemented at one hospital and would eventually be rolled out to the remaining two. National immunization coverage for children stood at nearly 100 per cent. Vaccination was offered at various stages between the ages of 3 months and 15 years.
7. As a result of targeted health education sessions for youth in schools and at the district level and awareness-raising programmes on sexual health, the number of legally obtained abortions had decreased over the previous three years, as had the number of illegal and unsafe abortions that had been identified. In 2013, there had been 543 legal abortions, 90 of which had been medically performed. In 2015, there had been 488 legal abortions, 68 of which had been medically performed. The number of unsafe abortions had fallen from 25 in 2013 to 16 in 2015. No deaths from non-medical or unsafe abortions had been recorded for a number of years.
8. **Ms. Ayoubi Idrissi** (Country Rapporteur) said that she wished to know how the State party learned of abortions performed in non-medical settings.
9. **Mr. Rodríguez Reyes** said that he would like to hear about the State party's compliance with article 26 of the Convention, which concerned the right to social security.
10. **Ms. Simeon** (Seychelles) said that women and girls who underwent non-medical abortions in the home usually reported to a hospital subsequently; as a result, those abortions were officially recorded.

11. **Ms. Ayoubi Idrissi** said that abortions performed in the home ran a high risk of complications. She would thus welcome a description of the procedures involved and would like to know what concrete measures were being taken to prevent the performance of abortions in non-medical settings.

12. **Ms. Simeon** (Seychelles) said that measures to prevent such abortions included reproductive health education in both schools and maternal health clinics and media-based awareness-raising regarding the dangers of such practices.

13. All pregnant women and girls were screened for HIV; those who were HIV-positive were registered in a programme for the prevention of mother-to-child transmission, and Caesarean sections were performed when HIV status was confirmed late in pregnancy. The babies of HIV-positive mothers were exclusively fed infant formula, which was provided free of charge for the first three months of life. Although no cases of mother-to-child transmission had been recorded in 2015 or 2016, there had been one such case in 2017. The National AIDS Council, which engaged in advocacy and research, involved children in the development of policies to combat HIV/AIDS.

14. The National Adolescent Sexual and Reproductive Health Policy, which had been in place since 2015 and established guidelines for the delivery of services to young persons aged 15 to 17 years, enforced parental responsibility and involvement in the sexual and reproductive health of their children under the age of 18 years. However, it enabled health workers to address the needs of high-risk, sexually active adolescents who were unable to obtain the requisite parental consent in order to receive appropriate services and treatment.

15. **The Chair** said that it would be helpful to hear about the reasons behind the high number of early pregnancies and abortions in the State party. She wondered whether young persons had access to condoms. She would like to learn more about home abortions, including details on the persons who performed them and information on how the associated health complications were handled.

16. **Ms. Ayoubi Idrissi** said that the underage pregnancy rate was a consequence of the high number of free unions involving minors. She wished to know whether the opinions of minors were taken into account when it came to obtaining parental consent for assistance such as contraception and counselling on sexual health.

17. **Ms. Simeon** (Seychelles), acknowledging the high rate of underage pregnancy, said that the Government firmly believed that the education of parents and young people was the best solution to the problem. Efforts were being made to encourage communication between parents and children and provide children with resilience-building skills. There had been no deaths resulting from non-medical abortions because, in most cases, women and girls who underwent such abortions subsequently went to hospital for treatment.

18. **Ms. Marguerite** (Seychelles) said that, given the high rate of adolescent pregnancy and abortions, care for children in high-risk situations was needed. However, parental consent for assistance was the first resort for such children.

19. **Ms. William-Melanie** (Seychelles) said that climate change education was part of the school curriculum. Although schools in low-lying areas were most at risk of flooding, all school districts had access to buildings which served as shelter in the event of a flood.

20. The phenomenon of girls living in concubinage with men was probably attributable to poverty. The Government had no information on girls under the age of 14 years who were cohabiting with men because sexual relations with a girl under the age of 15 years constituted an offence. Consent was not an applicable defence in such cases, which were monitored by social workers and investigated by police.

21. Underage pregnancy affected school dropout rates. The policy which allowed young mothers to return to school did not make it mandatory for them to resume their studies; it simply gave them the option to do so. However, girls who did not return to school were encouraged to enrol in a skills-development programme established by the Ministry of Labour. That said, because education was compulsory for the first 11 years of schooling, attendance rates up to secondary level were quite high.

22. **Ms. Sandberg** asked whether girls could continue their schooling during pregnancy and, if so, whether they were merely allowed or actively encouraged to do so.
23. **Ms. William-Melanie** (Seychelles) said that girls were allowed and encouraged by the educational, social and health-care services to remain at school until they were six months pregnant. However, some might decide to take a one-year break and then re-enrol in the education system. Thirteen girls had been re-enrolled in 2016 and 20 in 2017.
24. The National Plan of Action for Children (2005–2009) had been based on input and budgetary funds from all sectors that implemented children's programmes. It had initially been replaced by the Social Renaissance National Action Plan (2011–2016) and subsequently by the new Family Action Plan. The Ministry of Family Affairs had been allocated 1 million rupees for programmes under the Plan. Budgetary funds would also be allocated to relevant sectors in other ministries.
25. Licences were not issued to NGOs for the purpose of providing alternative care for children. The Seychelles Children's Foundation managed the State-owned children's home, and other children's homes were run by the Catholic Church. A monitoring mechanism oversaw compliance with care standards in both church-run and State-owned institutions. Action to address any shortcomings was discussed with the management. Most children were referred to such institutions by the Social Services or other child protection partners. Social Services decided, following a needs assessment, whether it was in the best interests of children to be removed from a family that was neglecting them on account of drugs, alcohol or other problems, and to be placed in alternative care.
26. **Ms. Ayoubi Idrissi** asked whether funds had been withdrawn from any NGOs that provided services for children because they had failed to respect their commitments. Were they linked by a formal instrument to the Social Affairs Department? She asked whether decisions to place children in a context other than their family environment were taken on the basis of administrative or judicial procedures.
27. **Ms. William-Melanie** (Seychelles) said that the Social Affairs Department had never withdrawn funds from NGOs, with which it had excellent working relations. The Children Act authorized the Director for Social Services to identify homes for the placement of children. As the placement required legal backing, the Social Affairs Department submitted an application to the Family Tribunal, which issued a compulsory care order for placement in the chosen home.
28. As Seychelles was a small island State with a closely knit community, there was both a formal and an informal system of foster care. Relatives would offer to take care of children under the informal system if they encountered difficulties at home. A formal scheme for foster care had been established under the Children Act. Families that were assessed as being of good standing were provided with financial assistance. Eight foster parents and nine children were currently registered under the scheme.
29. The Children Act also provided the framework for adoption. Its provisions had been reflected in guidelines and policies, and a register of children and potential adoptive parents was maintained. The adoption procedure was begun by screening and assessing the suitability of prospective adoptive parents. Citizens were free to adopt children both locally and abroad. However, international adoptions must comply with domestic legislation, and the Social Services Division offered guidance and counselling on the procedures to be followed. Local court rulings had been issued on 10 adoption cases in 2016.
30. As soon as children were placed in alternative care, a plan for reintegration with their biological parents was developed. The plan and its outcome depended on the duration of alternative care, an assessment of the home environment and protective measures taken by the biological parents, and an assessment of the homes of other biological relatives who were willing to look after the child for a temporary period.
31. Children could submit confidential complaints via a special helpline. In addition, key child protection partners were entitled to receive complaints of abuse. Support could be sought from a pool of trained educators and counsellors in the education system, who channelled children's complaints to appropriate professionals. Complaints could also be

filed with district social workers and with the National Council for Children. They were then investigated by social workers and the police child protection team.

32. **Ms. Ayoubi Idrissi** asked how many complaints had been filed with the education system and the National Council for Children and what action had been taken to address them.

33. **Ms. William-Melanie** (Seychelles) said that most complaints were referred to the Social Services Division. A total of 143 complaints of sexual abuse had been filed during the past two years. Investigations had been required in some cases to establish whether the complaints were founded. She had no statistics for complaints filed through the children's helpline.

34. With regard to recreational and cultural activities for children in care homes or in the juvenile justice system, children in care homes attended school and could therefore participate in extracurricular activities, including cultural events and sports clubs. They could also attend events at the national level, such as the Creole Festival. Children with disabilities were encouraged to join other children in sports, including the Special Olympics and Paralympic Games.

35. The Government acknowledged that sexual exploitation of minors presented a major challenge. Information in some cases remained anecdotal and was not formally reported to the competent authorities. There was no confirmation of any direct link to poverty. However, surveys had demonstrated that sexual exploitation was closely linked to the drug problem.

36. No cases of child trafficking had been formally reported by the end of 2017. A referral mechanism had been developed by the National Coordinating Committee on trafficking in persons in coordination with the United Nations Office on Drugs and Crime. All enforcement agencies had been trained to use the referral mechanism and would exchange information and seek assistance if any potential case was identified. An initial assessment was conducted by a social worker, who could request medical or psychological support from a health-care agency.

37. The State recognized the need to step up its campaign to sensitize the tourism industry to the issue of the sexual exploitation of minors and to encourage it to report any potential cases identified to the proper authorities. The National Coordinating Committee planned to develop a policy that would effectively raise awareness of the problem among tourism establishments.

38. **Ms. Ayoubi Idrissi** asked whether the State party intended to adopt a code of conduct for tourism professionals, including various transport industries. Such a code would not be binding but would probably be more effective than awareness-raising campaigns. It was important to target not only foreign tourists but also local staff employed in the tourism industry.

39. **Mr. Gastaud** asked whether the State party's legislation criminalized paedophilia.

40. **Ms. William-Melanie** (Seychelles) said that consultations would be held with a wide range of stakeholders in the tourism sector with a view to developing a code of conduct. The National Coordinating Committee on trafficking in persons would participate in the consultations. She confirmed that paedophilia was criminalized under the country's Penal Code.

41. **Ms. Todorova** (Country Rapporteur) said that negotiations with the tourism industry on a code of conduct should be quite straightforward, since the relevant standards and children's rights formed part of corporate social responsibility.

42. **Ms. William-Melanie** (Seychelles) said that NGOs engaged in child protection were collaborating with the Ministry of Family Affairs with a view to preventing child suicide. A psychologist was on call, and children could seek assistance through an open telephone line. The NGO Stand Up Step Up Seychelles had also established a helpline and had launched an awareness-raising campaign to prevent suicide and bullying. Child suicide was in fact a very rare phenomenon.

43. **Ms. Marguerite** (Seychelles) said that the committee that had been reviewing the Civil Code since 2015 was chaired by the Chief Justice. The delay was due to the fact that the Code contained 2,279 articles. Moreover, subsidiary legislation also needed to be reviewed. The committee hoped to conclude the process in 2018.

44. The Children Act also continued to be reviewed and priority was being given to the repeal of provisions that promoted corporal punishment. The authorities were also determined to update other legislation applicable to children. The dialogue that had begun with the new Attorney General would take into account international best practices and new developments in child protection.

45. Seychelles had ratified the Hague Convention on the Civil Aspects of International Child Abduction and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Although they had not yet been fully incorporated into domestic legislation, the existing legislation enabled their provisions to be implemented.

46. **Ms. Ayoubi Idrissi** said that she wished to underscore the need to incorporate treaties into domestic legislation. She asked whether the Convention on the Rights of the Child had been invoked in any judicial decisions in the State party.

47. **Ms. Marguerite** (Seychelles) said that, although she was not aware of any instances in which the Convention had been invoked, the courts worked on the principle that the best interests of the child should be a primary consideration. As the domestic law presented no obstacles to implementing the Convention, there was no need to domesticate it.

48. In collaboration with the International Labour Organization, the Government had drawn up a list of hazardous work for children, which would be incorporated into national legislation. The proposed amendments to the Employment Act included provisions to address child employment in tourist accommodation, restaurants and shops and to ban the employment of persons under the age of 18 between 10 p.m. and 5 a.m., unless written permission was provided. There were 11 labour inspectors in Seychelles.

49. **Mr. Gastaud** said that he wished to know whether labour inspectors were authorized to make unannounced visits; whether anyone had been prosecuted for violation of the labour laws; and whether the amendments to the Employment Act also addressed children employed in domestic work.

50. **Ms. Marguerite** (Seychelles) said that labour inspectors were authorized to conduct unannounced inspections and that any infractions were referred to the prosecution services. She was unable to confirm whether there had been any cases of children employed in domestic labour. With regard to work in other circumstances, the Government was considering raising the minimum age for light work to 13 years, but no policies had yet been issued.

51. A National Framework on Orphans, Vulnerable Children and Youth was being developed with the aim of identifying children in need of attention and assessing the services available. Such children remained protected under other mechanisms in the meantime.

52. **Ms. Sandberg** said that it would be interesting to know how the State party defined "orphan" in that case. Noting that States parties were strongly advised to domesticate the Convention, she asked how the Government ensured that the best interests of the child were always taken as a primary consideration in the courts and whether, in that connection, the Committee's general comment No. 14 (2013) was widely known.

53. **Ms. Marguerite** (Seychelles) said that the principle of taking the child's best interests as a primary consideration had been integrated into the domestic law and was referred to frequently in court rulings.

54. In the context of the National Framework on Orphans, Vulnerable Children and Youth, "orphans" referred to children without either parent. Provisions were also in place to provide support for other groups, including children who had lost one parent.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

55. **Ms. Marguerite** (Seychelles) said that, in 2013, the National Bureau of Statistics had calculated the income poverty rate to be 39.3 per cent. In 2016, the World Bank Group had reported an extreme poverty rate of 1.1 per cent and a moderate poverty rate of 2.5 per cent; it had, however, used a methodology that was not suitable for measuring poverty in Seychelles. The National Bureau of Statistics had carried out a poverty survey in 2017, in which it had identified a number of issues, including inadequate housing conditions, unemployment and drug abuse. To combat those issues, the President had established the Office of the Secretary of State for Poverty Alleviation, which had announced the introduction of a targeted policy approach to combating poverty. The results of the survey would also guide the development of a national anti-poverty strategy. In addition, steps were being taken to develop a comprehensive poverty index.

56. Seychelles had a strong social welfare system. Workers on low incomes did not pay tax, and tax on basic commodities was being reduced. Assistance was also provided in the form of childcare support, school meals and supplies for children from low-income families, and benefits for children with disabilities, orphans, abandoned children and children who had lost a parent.

57. Owing to resource constraints, no specific measures had yet been adopted to address the needs of asylum seekers. No asylum seekers had yet arrived in Seychelles; were any to come, existing structures would be adapted to accommodate them.

58. **Ms. Sandberg** asked whether the poverty alleviation policies under development would contain specific sections on combating poverty among children.

59. **Ms. Marguerite** (Seychelles) said that she expected that they would.

60. **Ms. Simeon** (Seychelles) said that the Education Sector Medium Term Strategy 2013–2017 was in the final stage of implementation and that the first stage of the review process had been completed. The strategy had not been implemented fully owing to a lack of financial and human resources; it had, however, led to the finalization of the Education (Amendment) Bill, which would extend the powers and responsibilities of head teachers and improve the safety of educational institutions. The strategy for 2018–2022 would place greater focus on improving school facilities and education.

61. Vocational training was provided in primary and secondary schools and in post-secondary vocational training centres. Both male and female students had equal access to such training.

62. Efforts to provide special needs education had been hampered by a lack of funding and of trained professionals. Nonetheless, numerous initiatives had been adopted to include children with disabilities in mainstream education, such as establishing special needs centres within mainstream schools and making educational facilities physically accessible. There was also a centre for children with severe disabilities who were unable to enter mainstream education.

63. **Ms. Ayoubi Idrissi** said that she would welcome answers to the questions on measures to combat absenteeism and discourage school dropout and on the juvenile justice system. She welcomed the statistics on suicide that had been provided in the replies to the list of issues (CRC/C/SYC/5-6/Add.1) and asked what year they had been collected in.

64. **Ms. Simeon** (Seychelles) said that students dropped out of school for various reasons, such as pregnancy or failure to return after being suspended. Programmes had been introduced in schools to support students who were at risk of dropping out. In addition, a survey was being carried out to identify the dropout rate and the motivating factors. A residential centre was under development which would offer schooling and psychosocial support to students from troubled home environments who had dropped out of school, in addition to support for their parents to help them improve the home environment. For older children, a skills development programme was being created which would prepare them to enter further training or employment. In addition, school attendance officers had been appointed in 2016 to follow up on students who were regularly absent, primarily by establishing contact with their parents.

65. **Ms. Sandberg** said that it was concerning that students were dropping out of school after being suspended. She asked what the grounds for suspension were, what the minimum age for suspension was and what alternative measures were used to deal with student misconduct.

66. **Ms. Simeon** (Seychelles) said that schools had a pastoral care plan for dealing with student misconduct, in which suspension was used only as a last resort. Students were not suspended indefinitely, and contact was maintained with the parents throughout the suspension period.

67. **Ms. William-Melanie** (Seychelles) said that children were held in pretrial detention only as an exceptional measure. Police stations were designed such that children were not detained with adults.

68. **Ms. Ayoubi Idrissi** said that she also wished to know whether children were detained together with adults once they had been sentenced and deprived of their liberty. She wondered whether prisons had separate wings for children.

69. **Ms. Todorova** said that legislation on the age of criminal responsibility was confusing. Article 15 of the Penal Code provided that persons under the age of 7 years could not be held criminally liable, but that persons between the ages of 7 and 12 years could be held criminally liable if they had the capacity to know that what they had done was wrong. The Children Act stated that, children under the age of 14 years could not be sentenced to imprisonment but that children aged from 14 to 18 could be imprisoned if no alternatives were available. She wished to know why the age of criminal responsibility was so low and whether children between the ages of 12 and 18 years who were held criminally liable were treated as juveniles or adults. She also wished to have statistics on the number of child offenders and examples of non-custodial sentences handed down to them.

70. **Mr. Kotrane** said he wished to know how long a child could be held in custody and pretrial detention. The Committee held the view that children should be held in custody for no longer than 24 hours and in pretrial detention for no longer than 6 months. If children were held for longer than six months, he wondered what steps the State party was taking to end that practice.

71. **Mr. Gastaud** asked whether any judges specialized in children's justice.

72. **Ms. Marguerite** (Seychelles) said that children could give evidence in court unless they were deemed incapable of doing so. In most such cases, evidence was given via video link. Children could also ask to be accompanied, and social workers were present while evidence was given.

73. The age of criminal responsibility was 12. However, it was the case that a child aged between 7 and 12 could be held criminally responsible for an act or omission if he or she had had the capacity to know that he or she ought not to commit such act or omission. The Government did not consider that there was any need to revise the provisions of the Code on criminal responsibility and noted that there was no universally accepted standard minimum age of criminal responsibility. In any event, no child below the age of 12 years had been convicted since Seychelles had gained independence in 1976, and efforts were regularly made to divert children from the criminal justice system.

74. **Mr. Kotrane** said that the Committee recommended that States parties increase their minimum age of criminal responsibility to at least 12 years. He hoped that Seychelles would reconsider its position in that respect.

75. **Ms. Marguerite** (Seychelles) said that the Committee's concern regarding the minimum age of criminal responsibility had been noted. Achieving consensus on amending the minimum age had been difficult, but her ministry continued to advocate for it. Since a new Attorney General had been appointed, it was hoped that more progress could be made in that regard.

76. While no judges specialized in children's justice, some were more frequently assigned to children's cases. In addition, magistrates were appointed to sit on the Family Tribunal of the Social Affairs Department and were thus familiar with recurring children's issues.

77. **Ms. William-Melanie** (Seychelles) said that children could be detained for 24 hours at the discretion of the police and would generally be visited by probation officers or social workers during that time. Subject to the approval of the court, they could be detained for up to seven days while investigations were ongoing. After seven days, a magistrate would generally grant conditional bail. Regrettably, children had previously been detained for more than six months, sometimes for their own protection, but the Chief Justice had put an end to such practices.

78. While prisons did not have separate juvenile wings, on the rare occasion that children were given custodial sentences, the prison authorities did their utmost to ensure they were not detained with adults. A juvenile detention centre was under construction and would open in 2019.

79. Children's cases were heard before juvenile courts, which rarely handed down prison sentences. Alternative sentences included probation orders, community service orders and fines, according to the gravity of the offence.

80. **Ms. Todorova** asked if there was a difference between the ages of consent for boys and girls and, if so, why.

81. **Ms. Marguerite** (Seychelles) said that there was no difference between the ages of sexual consent for boys and girls.

82. **Mr. Nelson** asked what kind of investigations were conducted while children were detained for up to seven days.

83. **Ms. William-Melanie** (Seychelles) said that the investigations in question were conducted by the police.

84. **Mr. Nelson** asked whether such detention was without charge and, if so, whether children had access to their family and legal counsel.

85. **Ms. William-Melanie** (Seychelles) said that such detention was without charge. Detained children had access to their family in addition to probation officers, social workers and legal counsel.

86. **Ms. Todorova** asked for clarification on article 15 of the Penal Code, which stated that a male person under the age of 12 years was presumed to be incapable of having carnal knowledge.

87. **Ms. Skelton** said that in many countries such outdated provisions had been inherited from English law but had since been repealed.

88. **Ms. Marguerite** (Seychelles) said that certain provisions of the Penal Code were due to be reviewed.

89. **Ms. Todorova** said that she welcomed the State party's commitment to fulfilling its obligations under the Convention. She hoped that the Government would continue to harmonize its legislation with international standards.

90. **Ms. Simeon** (Seychelles) said that she was grateful for the Committee's recommendations and looked forward to receiving its concluding observations. The Government would continue to address areas for improvement to ensure that children's voices were heard.

The meeting rose at 12.55 p.m.